
NEW YORK STATE **REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on August 7, 2016
- the 45-day period expires on July 23, 2016
- the 30-day period expires on July 8, 2016

**ANDREW M. CUOMO
GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Agriculture and Markets

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

National Institute of Standards and Technology (“NIST”) Handbook 44; Receipts Issued by Taxicab Operators, Digital Scales

I.D. No. AAM-23-16-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 220.2(a) and (c); repeal section 220.2(d); renumber section 220.2(e) and (f) to (d) and (e) of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18 and 179

Subject: National Institute of Standards and Technology (“NIST”) Handbook 44; receipts issued by taxicab operators, digital scales.

Purpose: To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements.

Text of proposed rule: Subdivision (a) of section 220.2 of 1 NYCRR is amended to read as follows:

(a) Except as otherwise provided in this Part, the specifications, tolerances and regulations for commercial weighing and measuring devices shall be those adopted by the [99th] 100th National Conference on Weights and Measures [2014] 2016 as published in the National Institute of Standards and Technology Handbook 44, [2015] 2016 edition. This document is available from the National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, NE 68508, or the Superintendent of Docu-

ments, U.S. Government Printing Office, Washington, DC 20402. It is available for public inspection and copying in the office of the Director of Weights and Measures, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, or in the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 650, Albany, New York 12231.

The first sentence of subdivision (c) of section 220.2 of 1 NYCRR is repealed and a new first sentence is added thereto to read as follows:

(c) Notwithstanding any provision of regulation to the contrary, a municipal agency, authority, or department that has regulatory authority over taximeters may exempt taxicabs, operating within its jurisdiction, from having to have available an integral or separate recording element to provide receipts for fares and may allow such taxicabs to provide handwritten receipts for fares.

Paragraphs (1)-(10) of subdivision (c) of section 220.2 of 1 NYCRR are repealed.

Subdivision (d) of section 220.2 of 1 NYCRR is repealed and subdivisions (e) and (f) are re-lettered to be subdivisions (d) and (e), respectively.

Text of proposed rule and any required statements and analyses may be obtained from: Mike Sikula, Director, Bureau of Weights & Measures, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-3146, email: Mike.Sikula@agriculture.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Consensus Rule Making Determination

The proposed rule will amend subdivision (a) of 1 NYCRR section 220.2 to incorporate by reference the 2016 edition of National Institute of Standards and Technology Handbook 44 and will amend subdivision (c) of such section to allow certain taxicab operators to issue handwritten receipts. The proposed rule will, also, repeal subdivision (d) of such section to allow Class III scales to have a lesser number of gradations than presently required.

The proposed amendment to subdivision (a) of 1 NYCRR section 220.2 is non-controversial. The 2016 edition of Handbook 44 has been adopted by or is in the process of being adopted by every state; manufacturers of weighing and measuring devices located in New York already, therefore, conform their operations to the provisions of this document in order to sell their products in interstate commerce. Furthermore, the State’s users of commercial weighing and measuring devices already use devices that conform to the provisions of this document due to its nearly-nationwide applicability.

The proposed amendment to subdivision (c), and the proposed repeal of subdivision (d), of 1 NYCRR section 220.2 are, also, non-controversial; both actions will “liberalize” certain existing requirements, thereby placing a lesser burden upon regulated parties.

Based upon the foregoing, the proposed rule will not have any adverse impact upon parties regulated pursuant thereto and is, therefore, non-controversial.

Job Impact Statement

The proposed rule will not have an adverse impact on jobs or on employment opportunities.

The proposed rule will incorporate by reference in subdivision (a) 1 NYCRR section 220.2 the 2014 edition of National Institute of Standards and Technology Handbook 44 (henceforth, “Handbook 44 (2016 edition)”) which contains specifications, tolerances and regulations for commercial measuring devices. The 2014 edition of Handbook 44 is presently incorporated by reference. Handbook 44 (2016 edition) differs from the 2014 edition in that it permits operators of weighing and measuring devices to issue electronic receipts when the device is equipped to do so; clarifies conditions for determining whether such devices are accurate; establishes requirements applicable to receipts issued by or from devices that dispense fuel to propane-powered vehicles; requires taxicabs to be equipped with printers; grants approval to timing mechanisms currently

incorporated in electric vehicle charging devices; and other, non-substantive additions, amendments, and deletions. Handbook 44 (2016 edition) has been adopted or is in the process of being adopted by every state; manufacturers and users of weighing and measuring devices located in New York already, therefore, conform their operations to the provisions of this document in order to sell their products in interstate commerce.

The proposed rule will, also, amend subdivision (c) of 1 NYCRR section 220.2 to allow municipal directors of weights and measures who have regulatory authority over taxicabs to allow operators thereof to issue handwritten receipts rather than "printed" receipts. Finally, the proposed rule will permit "Class III" scales to have a lesser number of gradation than is presumably required.

The proposed rule requires manufacturers and users of weighing and measuring devices to do no more than they are practically required to do presently and/or lessens certain regulatory burdens; as such, the proposed rule will not have an adverse impact upon jobs or employment opportunities.

Office of Children and Family Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Requirements Regarding the Cooperation of School Districts with Investigations of Suspected Child Abuse or Maltreatment

I.D. No. CFS-23-16-00004-EP

Filing No. 506

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 432.3 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 421(3), 423(6) and 425(1)

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: These regulations are necessary to protect the health, safety and welfare of children involved in a report of suspected child abuse or maltreatment. An oral order issued by the United States District Court for the Southern District of New York on August 19, 2015 pertaining to Phillips et al. v. County of Orange, et al. ("Phillips") granted a motion by the plaintiffs for summary judgment and held that, in this case, the county engaged in an unconstitutional seizure of a child when the child was questioned in a public school without parental consent as part of a child protective services investigation. Although the oral determination was not part of a published decision, holds no precedential value, and went well beyond established case law, the determination created great confusion and anxiety for school districts and child protective services agencies alike.

In response to the order, some school districts have begun denying access to the child protective service (CPS) or requiring additional CPS actions prior to allowing CPS access to children in a school setting without parental consent. These obstructions are disparate in form and manner among school districts and have added dangerous and unnecessary delay and confusion to the investigatory process. These delays are creating danger to the health, safety and welfare of children.

The position of OCFS and SED was and remains that children who are alleged to have been abused or maltreated can be interviewed by CPS at school without parental permission or a court order in appropriate circumstances. The first duty of CPS in conducting a child protective services investigation is to see to the safety of the child. (Section 424(6)(a) of the Social Services Law and 18 NYCRR 432.2(b)(3)). Especially in a situation where a parent is alleged to have abused or maltreated a child and there is concern over the immediate health or safety of the child, the need to protect the health and safety of the child requires CPS to interview the child outside the presence of the parent who has allegedly abused or maltreated the child.

Regulations are necessary to clarify the requirements and standards

around CPS access to children in schools. Emergency regulations are necessary to provide immediate protections for vulnerable children when CPS encounters circumstances during an investigation into suspected child abuse or maltreatment that warrant interviewing the child apart from family members or the home where child abuse or maltreatment allegedly occurred and without parental consent.

Subject: Requirements regarding the cooperation of school districts with investigations of suspected child abuse or maltreatment.

Purpose: To clarify requirements for the cooperation of school districts with investigations of suspected child abuse or maltreatment.

Text of emergency/proposed rule: Existing subdivision (i) of Section 432.3 of Title 18 of the NYCRR is amended to read as follows:

(i) (1) Commencing or causing the appropriate society for the prevention of cruelty to children to commence within 24 hours an appropriate investigation or family assessment response on all reports of suspected child abuse and maltreatment in accordance with the provisions of sections 432.2(b)(3) and section 432.13 of this Part.

(2) Request and receive, as provided for in subdivision 1 of Section 425 of the Social Services Law, when applicable, from departments, boards, bureaus, or other agencies of the state, or any of its political subdivisions including school districts (as that term is defined in subdivision 2 of Section 1980 of the Education Law), and charter schools operated pursuant to Article 56 of the Education Law, or any duly authorized agency, or any other agency providing services under the local child protective services plan, such assistance and data as will enable the local child protective service to fulfill its responsibilities properly, including providing such assistance and data to members of a multi-disciplinary team established pursuant to subdivision 6 of Section 423 of the Social Services Law when such members accompany a representative of the child protective service. Such assistance and data includes, but is not limited to:

(i) access to records relevant to the investigation of suspected abuse or maltreatment; and

(ii) access to any child named as a victim in a report of suspected abuse or maltreatment or any sibling or other child residing in the same home as the named victim. Such access includes conducting an interview of such child without a court order or the consent of the parent, guardian or other person legally responsible for the child when the child protective service encounters circumstances that warrant interviewing the child apart from family or other household members or the home or household where child abuse or maltreatment allegedly occurred. The representative of the child protective service and other members of a multi-disciplinary team accompanying a representative of the child protective service may be asked to provide identification and to identify the child or children to be interviewed, but may not be asked for or required to provide any other information or documentation as a condition of having access to a child or children. Nothing contained herein shall preclude a school, school district or other program or facility operated by a department, board, bureau, or other agency of the state or any of its political subdivisions, or by a duly authorized agency or other agency providing services under the local child protective services plan from authorizing a staff member of the school or other such program or facility to observe the interview of the child, either from the same or another room, at the discretion of the school, school district or other such program or facility. Nothing contained herein shall preclude a school, school district or other such program or facility from requiring that representatives of the child protective service or other members of a multi-disciplinary team accompanying a representative of the child protective service comply with the reasonable visitor policies or procedures of the school, school district or other such program or facility, unless such policies or procedures are contrary to the requirements of this paragraph.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 20, 2016.

Text of rule and any required statements and analyses may be obtained from: Public Information Office, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-7793, email: info@ocfs.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 34(3)(f) of the SSL requires the Commissioner of OCFS to establish regulations for the administration of public assistance and care within the State.

Section 421(3) of the SSL requires the Commissioner of OCFS to promulgate regulations setting forth requirements for the provision of child protective services by social services districts including establishing uniform requirements for the investigation of reports of child abuse and maltreatment.

Section 423(6) of the SSL authorizes the establishment of multi-disciplinary teams by social services districts for the purpose of investigating reports of suspected child abuse and maltreatment. Such teams must include representatives of child protective services, law enforcement, and others.

Section 425(1) of the SSL provides that the Commissioner of OCFS may request and shall receive from departments, boards, bureaus and agencies of the State or any of its political subdivisions, or any duly authorized agency, or any other agency providing services under the local child protective services plan, such assistance and data as will enable the local child protective service to fulfill its responsibilities properly.

2. Legislative objectives:

The proposed changes to the regulations are necessary to further the legislative objective that children be protected from abuse and maltreatment.

3. Needs and benefits:

The regulatory language clarifies the expectations of child protective services and schools around cooperation and assistance with ongoing investigations of suspected child abuse and maltreatment. The proposed changes to the regulations are in response to the recognized need to strengthen and clarify these expectations to better provide for the safety of children in New York State. Accordingly, the benefit of this regulation is to create consistent safeguards for children during the investigation of allegations of abuse and maltreatment.

The regulations will clarify that the requirement to provide assistance and data to child protective services includes school districts and charter schools. The regulations will discuss what constitutes assistance and clarify that it includes access to an allegedly abused or maltreated child by child protective services and members of a multi-disciplinary team accompanying child protective services. The regulations will limit the information that child protective services and members of a multi-disciplinary team accompanying child protective services may be required to provide as a condition of having access to a child, but will permit schools, school districts and other programs and facilities operated by a department, board, bureau or other agency of the State or any of its political subdivisions, or any duly authorized agency, or any other agency providing services under the local child protective services plan to require compliance with reasonable visitor policies and procedures. Schools, school districts and other such programs and facilities would also be permitted to have staff observe interviews of children occurring in the school, school district or other such program or facility.

The regulations will also clarify that the provision of data includes those records relevant to the child protective investigation. It will not require the provision of any and all records in the possession of the school, school district or other such program or facility, but only those relevant to such investigation. As under current practice, the determination of what records are relevant will have to be determined on a case by case basis through discussion between child protective services and the holder of the records.

4. Costs:

The proposed regulatory changes are not expected to have an adverse fiscal impact on social services districts, child protective services or school districts.

5. Local government mandates:

The proposed regulations will not impose any additional mandates on social services districts or school districts.

6. Paperwork:

The proposed regulations do not require any additional paperwork.

7. Duplication:

The proposed regulations effectuate the requirements of Section 425(1) of the SSL. They do not duplicate any other State or Federal requirements.

8. Alternatives:

The proposed regulations are necessary to provide immediate protections for vulnerable children when child protective services encounters circumstances during an investigation into suspected child abuse or maltreatment that warrant interviewing the child apart from family members or the home where child abuse or maltreatment allegedly occurred. Therefore, there are no alternatives to the proposed regulations.

9. Federal standards:

The regulatory amendments do not conflict with any federal standards.

10. Compliance schedule:

The regulations will be effective on May 23, 2016.

Regulatory Flexibility Analysis

1. Types and estimated number of small businesses and local governments:

There are 58 social services districts and 695 school districts in New York State.

2. Reporting, recordkeeping and compliance requirements and professional services:

No anticipated impact.

3. Costs:

No anticipated additional costs.

4. Economic and technological feasibility:

The proposed regulatory changes would not require any additional technology and should not have any adverse economic consequences for regulated parties.

5. Minimizing adverse impact:

The proposed changes to the regulations clarify requirements and standards for child protective services (and in relevant cases, accompanying members of a multi-disciplinary team) access to children in school settings. The regulation is necessary to provide immediate protections for vulnerable children when child protective services encounters circumstances during an investigation into suspected child abuse or maltreatment that warrant interviewing the child apart from family members or the home where child abuse or maltreatment allegedly occurred, and without the consent of the parent.

6. Small business and local government participation:

The Office of Children and Family Services (OCFS) received requests from the New York Public Welfare Association (NYPWA), multiple social services districts, the New York State Association of School Attorneys (NYSASA) and the New York State School Boards Association (NYSSBA) for clarification or guidance on this issue. This regulation is supported by policies issued by OCFS and the State Education Department. In addition, forums for training and other presentations are anticipated using resources available to OCFS, NYPWA, NYSASA and NYSSBA to reach school districts and social services districts.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas:

There are 44 rural social services districts and 299 school districts in rural areas.

2. Reporting, recordkeeping and compliance requirements and professional services:

No anticipated impact.

3. Costs:

No anticipated costs.

4. Minimizing adverse impact:

The proposed changes to the regulations clarify expectations and standards around access to children in school settings by child protective services and, in relevant cases, accompanying members of a multi-disciplinary team. The regulation is necessary to provide immediate protections for vulnerable children when child protective services encounters circumstances during an investigation into suspected child abuse or maltreatment that warrant interviewing the child apart from family members or the home where child abuse or maltreatment allegedly occurred, and without the consent of the parent.

5. Rural area participation:

The Office of Children and Family Services (OCFS) received requests from the New York Public Welfare Association (NYPWA), multiple social services districts, the New York State Association of School Attorneys (NYSASA) and the New York State School Boards Association (NYSSBA) for clarification or guidance on this issue. This regulation is supported by policies issued by OCFS and the State Education Department. In addition, forums for training and other presentations are anticipated using resources available to OCFS, NYPWA, NYSASA and NYSSBA to reach school districts and social services districts.

Job Impact Statement

The proposed regulations are not expected to have a negative impact on jobs or employment opportunities in either public or private sector service providers. A full job impact statement has not been prepared for the proposed regulations as it is not anticipated that the proposed regulations will have any adverse impact on jobs or employment opportunities.

Division of Criminal Justice Services

NOTICE OF ADOPTION

Victims of Human Trafficking

I.D. No. CJS-03-16-00002-A

Filing No. 510

Filing Date: 2016-05-24

Effective Date: 2016-06-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 6174 of Title 9 NYCRR.

Statutory authority: Executive Law, section 837(13); L. 2015, section 32, ch. 368

Subject: Victims of Human Trafficking.

Purpose: To conform to the “Trafficking Victims Protection and Justice Act,” as added by chapter 368 of the Laws of 2015.

Text of final rule: 1. A new subdivision (f) is added to section 6174.2 of 9 NYCRR to read as follows:

(f) *The term statutory referral source shall mean either (i) the law enforcement agency or district attorney's office, or (ii) an established provider of social or legal services designated by the office, the Office for the Prevention of Domestic Violence, or the Office of Victim Services that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, refers such human trafficking victim to the division and the office for assessment as a State-confirmed human trafficking victim. Provided, however, in the case of an established provider of social or legal services, such established provider shall make a referral if the victim consents to seeking services pursuant to Article 10-D of the Social Services Law.*

2. Subdivision (a) of section 6174.3 of 9 NYCRR is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a [law enforcement agency or a district attorney's office] *statutory referral source* to be a human trafficking victim, that agency [or], office or provider shall notify the Human Trafficking Director and the Office on a form and in a manner prescribed by the Commissioner. *Provided, however, in the case of an established provider of social or legal services, such established provider shall make the notification if the victim consents to seeking services pursuant to Article 10-D of the Social Services Law.*

3. Subdivisions (e), (f) and (g) of section 6174.3 of 9 NYCRR are amended to read as follows:

(e) If the Human Trafficking Director determines that the person appears to meet the criteria for certification as a victim of a severe form of trafficking in persons, as defined in section 7105 of title 22 of the United States Code, or appears to be otherwise eligible for any Federal, State or local benefits and services, he or she shall immediately notify the Office in writing which shall thereafter notify the victim and the [referring law enforcement agency or district attorney's office] *statutory referral source*, and the Office may assist the victim and [referring law enforcement agency or a district attorney's office] *statutory referral source* in making services available to the victim.

(f) If the Human Trafficking Director determines that the person does not appear to meet the criteria for certification as a victim of a severe form of trafficking in persons, as defined in section 7105 of title 22 of the United States Code, or does not appear to be otherwise eligible for any Federal, State or local benefits and services, he or she shall immediately notify in writing the victim, the [referring law enforcement agency or district attorney's office] *statutory referral source*, and the Office.

(g) The Human Trafficking Director shall issue to the victim, the Office, and [referring law enforcement agency or district attorney's office] *statutory referral source* a written explanation setting forth the basis for his or her determination within 10 business days of receipt of the referral.

4. Subdivision (c) of section 6174.4 of 9 NYCRR is amended to read as follows:

(c) The Commissioner, after consultation with the Office, shall issue a written response to the appellant, the Office, and the [referring law enforcement agency or district attorney's office] *statutory referral source* within 15 business days of receipt of the written appeal. If the Commis-

sioner determines that the appellant does appear to either meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in section 7105 of title 22 of the United States Code or be otherwise eligible for any Federal, State, or local benefits and services, the Office may assist the victim and [referring law enforcement agency or district attorney's office] *statutory referral source* in receiving services.

5. Section 6174.5 of 9 NYCRR is amended to read as follows:

The Division shall consult with the Office regarding the confirmation of human trafficking victims pursuant to Social Services Law, section 483-cc, including, but not limited to, the form and manner in which a [law enforcement agency or district attorney's office] *statutory referral source* shall refer a person who reasonably appears to be a human trafficking victim.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 6174.2(f) and 6174.3(a).

Text of rule and any required statements and analyses may be obtained from: Natasha M. Harvin, Esq., NYS Division of Criminal Justice Services, Alfred E. Smith Building, 80 South Swan Street, Albany, New York 12210, (518) 457-8413, email: natasha.harvin@dcs.ny.gov

Revised Job Impact Statement

The “Trafficking Victims Protection and Justice Act,” as added by Chapter 368 of the Laws of 2015, amends Social Services Law § 483-cc(a), as added by Chapter 74 of the Laws of 2007, to provide that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, an established provider of social or legal services, designated by the Office of Temporary and Disability Assistance (OTDA), the Office for the Prevention of Domestic Violence or the Office of Victim Services, in addition to a law enforcement agency or district attorney's office, shall notify OTDA and the Division of Criminal Justice Services (DCJS) that such person may be eligible for services. In the case of an established provider of social or legal services, such established provider shall notify OTDA and DCJS if the victim consents to seeking services.

This proposal merely implements or conforms to the statutory provisions. As such, it is apparent from the nature and purpose of the proposal that it will have no substantial adverse impact on jobs and employment opportunities.

Assessment of Public Comment

9 NYCRR Part 6174: Confirmation as a Victim of Human Trafficking

The Division of Criminal Justice Services (DCJS) formally proposed amendments of 9 NYCRR Part 6174. A Notice of Proposed Rule Making was published in Issue 3 of the State Register on January 20, 2016 under I.D. No. CJS-03-16-00002-P.

DCJS accepted public comments through March 7, 2016. DCJS received comments from, and on behalf of, Sanctuary for Families, Inc. (SFF). SFF is “New York’s leading service provider and advocate for survivors of domestic violence, sex trafficking and related forms of gender violence.” Although DCJS did not receive any objections to the adoption of the propose rule, it did receive suggested amendments, which were taken into consideration.

Purpose: The “Trafficking Victims Protection and Justice Act,” as added by Chapter 368 of the Laws of 2015, amends Social Services Law § 483-cc(a), as added by Chapter 74 of the Laws of 2007, to provide that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, an established provider of social or legal services, designated by the Office of Temporary and Disability Assistance (OTDA), the Office for the Prevention of Domestic Violence or the Office of Victim Services, in addition to a law enforcement agency or district attorney's office, shall notify OTDA and DCJS that such person may be eligible for services. In the case of an established provider of social or legal services, such established provider shall notify OTDA and DCJS if the victim consents to seeking services.

The regulation was proposed as consensus rule because DCJS believed that no person was likely to object to the rule because it would merely implement or conform to statutory provisions.

Comment: SSF is reluctant to being “lumped together” with law enforcement as a “statutory referral source.”

Response: DCJS’ goal is to avoid listing each referral source (law enforcement agency, district attorney's office or established service provider) individually, each time throughout the regulation. Accordingly, DCJS will not make any changes to the definitions.

Comment: The proposed rule would mandate that the “statutory referral sources,” which includes an “established provider of social or legal services,” notify OTDA and DCJS as soon as practicable after a first encounter with a person who appears to be a human trafficking victim. However, Social Services Law § 483-cc provides that the established provider shall notify OTDA and DCJS “if such victim consents.” “SSF believes that while the statute is clear, DCJS should consider amending the proposed rules to incorporate the victim intent expressed within the statute.”

Response: Social Services Law § 483-cc, upon which the proposed rule is based, provides:

As soon as practicable after a first encounter with a person who reasonably appears to a law enforcement agency, district attorney's office, or an established provider of social or legal services designated by the office of temporary and disability assistance, the office for the prevention of domestic violence or the office of victim services to be a human trafficking victim, that law enforcement agency or district attorney's office shall notify the office of temporary and disability assistance and the division of criminal justice services that such person may be eligible for services under this article or, in the case of an established provider of social or legal services, shall notify the office of temporary and disability assistance and the division of criminal justice services if such victim consents to seeking services pursuant to this article (emphasis supplied).

Accordingly, and based upon the above, DCJS made the following non-substantial changes to the proposed regulation to clarify the text and reflect the "consent" language.

1. A new subdivision (f) is added to section 6174.2 of 9 NYCRR to read as follows:

(f) The term statutory referral source shall mean either (i) the law enforcement agency or district attorney's office, or (ii) an established provider of social or legal services designated by the office, the Office for the Prevention of Domestic Violence, or the Office of Victim Services that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, refers such human trafficking victim to the division and the office for assessment as a State-confirmed human trafficking victim. Provided, however, in the case of an established provider of social or legal services, such established provider shall make a referral if the victim consents to seeking services pursuant to Article 10-D of the Social Services Law.

2. Subdivision (a) of section 6174.3 of 9 NYCRR is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a [law enforcement agency or a district attorney's office] statutory referral source to be a human trafficking victim, that agency [or], office or provider shall notify the Human Trafficking Director and the Office on a form and in a manner prescribed by the Commissioner. Provided, however, in the case of an established provider of social or legal services, such established provider shall make the notification if the victim consents to seeking services pursuant to Article 10-D of the Social Services Law.

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING HEARING(S) SCHEDULED

Peekamoose Valley Riparian Corridor

I.D. No. ENV-23-16-00001-EP

Filing No. 500

Filing Date: 2016-05-19

Effective Date: 2016-05-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Addition of section 190.35 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (d), (2)(m), 9-0105(1) and (3)

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The Peekamoose Valley encompasses more than over 2,000 acres of Forest Preserve land straddling the upper Rondout Creek along Peekamoose Road (Ulster County 42) in the Town of Denning in Ulster County. It is a remote area in the heart of the Catskill Park and New York City's Catskill/Delaware watershed. The upper Rondout Creek flows into the Rondout Reservoir, an important drinking water supply for New York City.

Until recently, most of the public use in the area was concentrated in the Peekamoose primitive camping area. However, day use of the area

referred to as the "Blue Hole," a large, deep and very cold swimming hole in the Rondout Creek immediately upstream of the Valley's primitive camping area, has recently increased exponentially, due in part to coverage in social media, several websites, and national magazines which tout the Blue Hole as "one of the best swimming holes in the nation." Due to this dramatic increase in public use, the natural resources of the area are rapidly becoming degraded, fragile ecosystems are being degraded, and serious public health and safety issues are being created. The area is being fouled by human waste, raising concerns about water quality in the Rondout Creek and the New York City reservoir into which it flows. The trampling of vegetation has exposed and compacted the soil. Trees are being stripped of their limbs for firewood, and indiscriminately located campfires are creating numerous carbon scars on the ground. Garbage, trash, and broken glass are despoiling the wild character of the area and raising public safety concerns. The use of portable generators and boom boxes has interfered with the Valley's quiet and solitude. Moreover, the Town of Denning indicates that Peekamoose Road is often not passable by emergency service vehicles because of illegally parked cars, and visitors sometimes stand in the road, putting themselves and passing motorists at risk.

The emergency regulations are tailored to address these problems by creating and delineating a new Peekamoose Valley Riparian Corridor ("the Corridor") that will prohibit certain activities within it. Because of the immediate threat to the public health, safety and general welfare posed by the surge in the number of people recreating in the Peekamoose Valley Corridor, it is essential to immediately promulgate this regulation on an emergency basis, before heavy public use of the area commences in the summer. It is essential to immediately take steps to maintain the natural character of the area so that it will be available for sustained public use and enjoyment. Given the significant threats to public health, safety and the environment and the inability of the normal rulemaking process to result in the promulgation of regulations in time for this summer's busy season, it is appropriate to adopt this regulation now on an emergency basis.

The use of the emergency rulemaking process is authorized by the State Administrative Procedure Act (SAPA) section 202(6), providing that a State agency may dispense with all or part of the normal rulemaking requirements and adopt a rule on an emergency basis if "the agency finds that the immediate adoption of a rule is necessary for the preservation of the public health, safety or general welfare and that compliance with the normal rulemaking requirements ... would be contrary to the public interest ..." Because of the immediate threat to the Peekamoose Valley Riparian Corridor as a result of overuse, it is essential to immediately promulgate this regulation on an emergency basis, prior to the beginning of the 2016 season.

Subject: Peekamoose Valley Riparian Corridor.

Purpose: Protect public health, safety and general welfare, as well as the natural resources on the Peekamoose Valley Riparian Corridor.

Public hearing(s) will be held at: 7:00 p.m., June 21, 2016 at Sundown United Methodist Church, Peekamoose Rd., Denning, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Text of emergency/proposed rule: Section 190.35 is renumbered 190.36 and a new section 190.35 Peekamoose Valley Riparian Corridor is added to read as follows:

In addition to other applicable general provisions of this Part, the following requirements apply to the Peekamoose Valley Riparian Corridor. In the event of a conflict between this section and another section of this Part, the more restrictive provision will control.

(a) *Description. For the purposes of this section, Peekamoose Valley Riparian Corridor means all those state forest preserve lands lying and situated in the Town of Denning in Ulster County located within 300 feet on either side of the centerline of the Rondout Creek, beginning at the New York State land boundary where it crosses Ulster County Route 42 southwest of the Lower Field Parking Area, thence heading northeast for approximately 3.75 miles, and ending with the New York State land boundary approximately one mile east of the Buttermilk Falls parking area, encompassing lands designated by the department as the Sundown Wild Forest and Slide Mountain Wilderness Area of the Catskill Park.*

(b) *No person shall kindle, build, maintain or use a fire within the Peekamoose Valley Riparian Corridor, including, but not limited to, charcoal fires, wood fires, gas grills, propane stoves or other portable stoves, except at designated campsites.*

(c) *No person shall possess a glass container within the Peekamoose*

Valley Riparian Corridor, except when necessary for the storage of prescribed medicines.

(d) No person shall possess a portable generator within the Peekamoose Valley Riparian Corridor, except at designated campsites.

(e) No person shall play a musical instrument or audio device, including, but not limited to, radios, tape players, compact disc or digital players, except at designated campsites unless the noise is rendered inaudible to the public by personal noise-damping devices such as headphones or earbuds. At designated camp sites no person shall use any audio device which is audible outside the immediate area of the campsite.

(f) No person shall deposit or cause to be deposited any solid waste, garbage, food waste, human wastes or other sanitary waste products within the bounds of the Peekamoose Valley Riparian Corridor except at facilities provided and designated by the department.

(g) No person shall park any motor vehicle within the Peekamoose Valley Riparian Corridor except at areas designated and marked by the department as parking areas.

(h) No person shall enter the Peekamoose Valley Riparian Corridor area between one-half hour after sunset and one-half hour before sunrise except for: (1) persons camping at designated campsites; (2) licensed hunters and trappers for the purpose of hunting or trapping; (3) pedestrians using the marked hiking trails crossing the corridor; or (4) persons otherwise authorized by permit issued by the department.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 16, 2016.

Text of rule and any required statements and analyses may be obtained from: William Rudge, Natural Resources Supervisor, NYSDC, 21 South Putt Corners Road, New Paltz, NY 12561-1696, (845) 256-3092, email: bill.rudge@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Additional matter required by statute: An EAF/Negative Declaration has been prepared in compliance with article 8 of the Environmental Conservation Law.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law ("ECL") section 1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee "that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences." ECL section 3-0301(1)(b) gives the Department the responsibility to "promote and coordinate management of...land resources to assure their protection, enhancement, provision, allocation, and balanced utilization...and take into account the cumulative impact upon all such resources in promulgating any rule or regulation." ECL section 3-0301(1)(d) authorizes the Department to "provide for the care, custody and control of the Forest Preserve." ECL section 9-0105(1) authorizes the Department to "[e]xercise care, custody, and control of the several preserves, parks and other State lands described in [Article 9 of the ECL]," which includes Forest Preserve lands. Article XIV, Section 1 of the New York State Constitution provides that the lands of the Forest Preserve "shall be forever kept as wild forest lands." ECL section 3-0301(2)(m) authorizes the Department to adopt rules and regulations "as may be necessary, convenient or desirable to effectuate the purposes of [the ECL]," and ECL 9-0105(3) authorizes the Department to "[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9]."

2. Legislative objectives:

Paragraph 1 of section 3 of Article XIV of the New York State Constitution provides that "forest and wild life conservation are... policies of the State." Article XIV, section 1 of the New York State Constitution provides that the lands of the Forest Preserve "shall be forever kept as wild forest lands," and ECL sections 3-0301(1)(b) and 9-0105(1) give the Department jurisdiction to manage Forest Preserve lands. The Department is also authorized to promulgate rules and regulations for the use of such lands (see ECL sections 3-0301(2)(m) and 9-0105(3)). Consistent with this authority, the proposed regulations are crafted to protect natural resources and the health, safety and general welfare of those who engage in recreational activities within the Peekamoose Valley Riparian Corridor of the Forest Preserve in the Catskill Park.

3. Needs and benefits:

The Peekamoose Valley is an area encompassing more than 2,000 acres of Forest Preserve lands straddling the upper Rondout Creek along Peekamoose Road (Ulster County 42) in the Town of Denning in Ulster

County. The Valley is a remote area in the heart of the Catskill Park and New York City's Catskill/Delaware watershed. The upper Rondout Creek flows into the Rondout Reservoir, an important drinking water supply for New York City. Due to the high quality of the Catskill/Delaware water supply, New York City is one of only five large cities in the country with a surface drinking water supply of such high quality that filtration is not required as a form of treatment.

This Peekamoose Valley has been a popular public destination since the State began acquiring land in the Valley in the 1960's. As early as 1971 the area had been discovered by more distant visitors, including those from urban areas to the south. Camping grew increasingly popular in this remote valley (several thousand people over the course of a typical summer), resulting in garbage and other unacceptable impacts. To address these impacts, the Department instituted a camping permit system and limited camping to designated primitive campsites.

Although in the past, public use of the valley has often been loud, occasionally unlawful, and near or above capacity, until recently most of the public use was concentrated in the Peekamoose primitive camping area. However, during the summer of 2015, day use of the area referred to as the "Blue Hole," a large, deep and very cold swimming hole in the Rondout Creek immediately upstream of the primitive camping area, increased exponentially compared to previous years. This was due in part to coverage in social media, several websites, and national magazines touting the Blue Hole as "one of the best swimming holes in the nation."

Due to this dramatic increase in public use, the natural resources of the area are rapidly becoming despoiled, fragile ecosystems are being degraded, and serious public health and safety issues are being created. The area is being fouled by human waste, raising concerns about water quality in the Rondout Creek and the New York City reservoir into which it flows. The trampling of vegetation has exposed and compacted the soil. Trees are being stripped of their limbs for firewood, and indiscriminately located campfires are creating numerous carbon scars on the ground. Garbage, trash, and broken glass are despoiling the wild character of the area and raising public safety concerns. The use of portable generators and boom boxes has interfered with the Valley's quiet and solitude. Moreover, the Town of Denning indicates that Peekamoose Road is often not passable by emergency service vehicles because of illegally parked cars, and visitors sometimes stand in the road, putting themselves and passing motorists at risk.

In 2015, the Department attempted to address the problems associated with overuse by implementing a number of strategies, including: clearly defining parking lots and limiting parking to those lots; prohibiting parking along the road (as posted by the Town of Denning); performing weekly garbage pick-ups; assigning two seasonal back country stewards to work weekends in the Peekamoose Valley from June through Labor Day; updating our twitter and Facebook pages to notify the public of the issues one may encounter in the Peekamoose/Blue Hole region which included limited parking and crowding; providing a map of the area showing the authorized parking areas; recommending alternative swimming/picnicking areas, including Department campgrounds, which are more suitable and with appropriate facilities; suggesting to media outlets who had posts touting the area that they modify their sites to inform the public of the parking and overuse issues; and maintaining a daily presence of up to three Forest Rangers and Environmental Conservation Officers working in conjunction with the Ulster County Sheriff's office and New York State Police in a joint law enforcement effort to curb illegal use of the area.

In spite of the Department's attempts in 2015 to address the area's problems, public use continued to exceed the area's carrying capacity, continuing to create unsanitary conditions, threats to water quality, trampled vegetation and a dramatic degradation of the wild character of the area.

Local municipal leaders, the Department, New York City Department of Environmental Protection (DEP) staff, law enforcement and public safety officials met on September 3, 2015 to address management issues at the Blue Hole. Several additional strategies were agreed upon for the 2016 season. Those at the meeting agreed to increase public outreach and education efforts by erecting new kiosks with information that would present themes related to water quality and drinking water protection (such as "This is Your Drinking Water") as well as emphasizing responsibility for careful treatment of the resource ("leave no trace/carry it in, carry it out" ethics). NYCDEP agreed to seek at least one seasonal bilingual intern to help educate the public about the natural resources at this site. Other agreed upon strategies include: continuing current public outreach efforts using social media, web sites and print media and maintaining a law enforcement presence in partnership with Environmental Conservation Officers, Forest Rangers and County and State Police.

Those at the meeting also agreed that the Department should develop special regulations for the Valley because existing regulations, at 6 NYCRR Part 190, apply generically to all lands under the Department's jurisdiction and do not adequately address the problems that are unique to

the Valley and do not enable the Valley's natural resources to be protected. Therefore, the Department proposes to promulgate regulations for the Peekamoose Valley Riparian Corridor.

The proposed regulations define the Peekamoose Valley Corridor as a 600 foot wide corridor on New York State Forest Preserve lands located within 300 feet on either side of the centerline of the Rondout Creek, beginning at the New York State land boundary where it crosses Ulster County Route 42 southwest of the Lower Field Parking Area, thence heading northeast for approximately 3.75 miles, and ending with the New York State land boundary approximately one mile east of the Buttermilk Falls parking area.

The proposed regulations prohibit the deposition of human waste within the Corridor except at designated facilities provided by the Department, thereby protecting the water quality of the Rondout Creek and the Roundout Reservoir, a critical part of New York City's water supply.

To address the problem of broken glass, the regulations will prohibit the use of glass containers in the Corridor except when necessary to store prescription medications. The regulations will prohibit the use of portable generators and audio devices in the Corridor, helping to restore quiet and solitude for the public. The regulations will also restrict the hours of public use in the area to one half hour before sunrise to one half hour after sunset, thereby reducing or eliminating partying at the site by prohibiting the public from being in the area at night, when the greatest amount of abusive partying occurs. The regulations will also protect the public health and safety by requiring the public to leave the area at times when sufficient daylight allows for safe passage over uneven and steep terrain.

Local law enforcement and public safety officials are the first responders to incidents on this property. Local governments support the regulatory proposal and local law enforcement personnel will assist the Department with enforcement.

Information regarding the Department's intent to propose a regulation, content of the regulation and the public process associated with the rulemaking will appear in a widely-distributed newspaper in the area. In addition, a public meeting in the local community will be held during the formal regulatory comment period. All regulatory documents will appear on the Department's website.

4. Costs:

No costs to the regulated community are anticipated to result from the adoption of the proposed regulations. Costs to the State for the additional management actions are minimal and are estimated as follows: \$4,000 for a kiosk and new signage; \$1,000 for boulders to prohibit parking/define parking areas; \$2,500/year for port-a-john rental/service; and \$2,000/year for bear-proof refuse container rental/service.

5. Local government mandates:

This proposal will not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

6. Paperwork:

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

7. Duplication:

There is no duplication, conflict, or overlap with State or Federal regulations.

8. Alternatives:

The no-action alternative is not feasible since it does not adequately protect the Peekamoose Valley Riparian Corridor from overuse and abuse and does not protect the public health, safety and general welfare. The existing generic 6 NYCRR Part 190 regulations for State lands are inadequate in protecting the Peekamoose Valley Riparian Corridor because of its unique characteristics, remote location and high level of public use.

Closing the area to public use is also not an acceptable alternative. Forest Preserve land is acquired for the use of and enjoyment by the public. ECL section 9-0301(1) provides that "all lands in the Catskill Park... shall be forever reserved and maintained for the free use of all the people..." The closure of Forest Preserve land to public use should not occur except when absolutely necessary to protect public health or the resource.

9. Federal standards:

There is no relevant federal standard governing the use of State lands.

10. Compliance schedule:

Once the regulations are adopted, they are effective immediately, and all persons will be expected to comply with them upon their effective date. The Department will educate the public about the regulations through information posted on the Departments' web site, signage posted on the property, and by working with user groups and other stakeholders to help disseminate information regarding the regulations.

Regulatory Flexibility Analysis

Adoption of a new section 190.35 to 6 NYCRR will address overuse and increase public safety on the Peekamoose Valley Riparian Corridor while still providing a quality outdoor experience for users. A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with these regulations because the proposal will not impose any

reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Since there are no identified cost impacts for compliance with the proposed regulations on the part of small businesses and local governments, they will bear no economic impact as a result of this proposal. The proposed regulations relate solely to protecting public safety and natural resources on the Peekamoose Valley Riparian Corridor.

Rural Area Flexibility Analysis

Adoption of a new subdivision 190.35 to 6 NYCRR will address overuse and increase public safety on the Peekamoose Valley Riparian Corridor while still providing a quality outdoor experience for users. A Rural Area Flexibility Analysis is not submitted with this proposal because the proposal will not impose any reporting, record-keeping or other compliance requirements on rural areas. The proposed regulations relate solely to protecting public safety and natural resources on the Peekamoose Valley Riparian Corridor.

Job Impact Statement

Adoption of a new section 190.35 to 6 NYCRR will address overuse and increase public safety on the Peekamoose Valley Riparian Corridor while still providing a quality outdoor experience for users. A Job Impact Statement is not submitted with this proposal because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The proposed regulations relate solely to protecting public safety and natural resources on the Peekamoose Valley Riparian Corridor.

Department of Financial Services

EMERGENCY RULE MAKING

Business Conduct of Mortgage Loan Servicers

I.D. No. DFS-23-16-00002-E

Filing No. 501

Filing Date: 2016-05-20

Effective Date: 2016-05-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 419 to Title 3 NYCRR.

Statutory authority: Banking Law, art. 12-D

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The legislature required the registration of mortgage loan servicers as part of the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law") to help address the existing foreclosure crisis in the state. By registering servicers and requiring that servicers engage in the business of mortgage loan servicing in compliance with rules and regulations adopted by the Superintendent, the legislature intended to help ensure that servicers conduct their business in a manner acceptable to the Department. However, since the passage of the Mortgage Lending Reform Law, foreclosures continue to pose a significant threat to New York homeowners. The Department continues to receive complaints from homeowners and housing advocates that mortgage loan servicers' response to delinquencies and their efforts at loss mitigation are inadequate. These rules are intended to provide clear guidance to mortgage loan servicers as to the procedures and standards they should follow with respect to loan delinquencies. The rules impose a duty of fair dealing on loan servicers in their communications, transactions and other dealings with borrowers. In addition, the rule sets standards with respect to the handling of loan delinquencies and loss mitigation. The rule further requires specific reporting on the status of delinquent loans with the Department so that it has the information necessary to assess loan servicers' performance.

In addition to addressing the pressing issue of mortgage loan delinquencies and loss mitigation, the rule addresses other areas of significant concern to homeowners, including the handling of borrower complaints and inquiries, the payment of taxes and insurance, crediting of payments and handling of late payments, payoff balances and servicer fees. The rule also sets forth prohibited practices such as engaging in deceptive practices or placing homeowners' insurance on property when the servicers has reason to know that the homeowner has an effective policy for such insurance.

Subject: The business conduct of mortgage loan servicers.

Purpose: To implement the purpose and provisions of the Mortgage Lending Reform Law of 2008 with respect to mortgage loan servicers.

Substance of emergency rule:

Section 419.1 contains definitions of terms that are used in Part 419 and not otherwise defined in Part 418, including "Servicer", "Qualified Written Request" and "Loan Modification".

Section 419.2 establishes a duty of fair dealing for Servicers in connection with their transactions with borrowers, which includes a duty to pursue loss mitigation with the borrower as set forth in Section 419.11.

Section 419.3 requires compliance with other State and Federal laws relating to mortgage loan servicing, including Banking Law Article 12-D, RESPA, and the Truth-in-Lending Act.

Section 419.4 describes the requirements and procedures for handling to consumer complaints and inquiries.

Section 419.5 describes the requirements for a servicer making payments of taxes or insurance premiums for borrowers.

Section 419.6 describes requirements for crediting payments from borrowers and handling late payments.

Section 419.7 describes the requirements of an annual account statement which must be provided to borrowers in plain language showing the unpaid principal balance at the end of the preceding 12-month period, the interest paid during that period and the amounts deposited into and disbursed from escrow. The section also describes the Servicer's obligations with respect to providing a payment history when requested by the borrower or borrower's representative.

Section 419.8 requires a late payment notice be sent to a borrower no later than 17 days after the payment remains unpaid.

Section 419.9 describes the required provision of a payoff statement that contains a clear, understandable and accurate statement of the total amount that is required to pay off the mortgage loan as of a specified date.

Section 419.10 sets forth the requirements relating to fees permitted to be collected by Servicers and also requires Servicers to maintain and update at least semi-annually a schedule of standard or common fees on their website.

Section 419.11 sets forth the Servicer's obligations with respect to handling of loan delinquencies and loss mitigation, including an obligation to make reasonable and good faith efforts to pursue appropriate loss mitigation options, including loan modifications. This Section includes requirements relating to procedures and protocols for handling loss mitigation, providing borrowers with information regarding the Servicer's loss mitigation process, decision-making and available counseling programs and resources.

Section 419.12 describes the quarterly reports that the Superintendent may require Servicers to submit to the Superintendent, including information relating to the aggregate number of mortgages serviced by the Servicer, the number of mortgages in default, information relating to loss mitigation activities, and information relating to mortgage modifications.

Section 419.13 describes the books and records that Servicers are required to maintain as well as other reports the Superintendent may require Servicers to file in order to determine whether the Servicer is complying with applicable laws and regulations. These include books and records regarding loan payments received communications with borrowers, financial reports and audited financial statements.

Section 419.14 sets forth the activities prohibited by the regulation, including engaging in misrepresentations or material omissions and placing insurance on a mortgage property without written notice when the Servicer has reason to know the homeowner has an effective policy in place.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire August 17, 2016.

Text of rule and any required statements and analyses may be obtained from: Hadas A. Jacobi, Senior Attorney, NYS Department of Financial Services, 1 State Street, New York, NY 10004, (212) 480-5890, email:hadas.jacobi@dfs.ny.gov.

Regulatory Impact Statement

1. Statutory Authority.

Article 12-D of the Banking Law, as amended by the Legislature in the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law"), creates a framework for the regulation of mortgage loan servicers. Mortgage loan servicers are individuals or entities which engage in the business of servicing mortgage loans for residential real property located in New York. That legislation also authorizes the adoption of regulations implementing its provisions. (See, e.g., Banking Law Sections 590(2) (b-1) and 595-b.)

Subsection (1) of Section 590 of the Banking Law was amended by the Mortgage Lending Reform Law to add the definitions of "mortgage loan

servicer" and "servicing mortgage loans". (Section 590(1)(h) and Section 590(1)(i).)

A new paragraph (b-1) was added to Subdivision (2) of Section 590 of the Banking Law. This new paragraph prohibits a person or entity from engaging in the business of servicing mortgage loans without first being registered with the Superintendent. The registration requirements do not apply to an "exempt organization," licensed mortgage banker or registered mortgage broker.

This new paragraph also authorizes the Superintendent to refuse to register an MLS on the same grounds as he or she may refuse to register a mortgage broker under Banking Law Section 592-a(2).

Subsection (3) of Section 590 was amended by the Subprime Law to clarify the power of the banking board to promulgate rules and regulations and to extend the rulemaking authority regarding regulations for the protection of consumers and regulations to define improper or fraudulent business practices to cover mortgage loan servicers, as well as mortgage bankers, mortgage brokers and exempt organizations. The functions and powers of the banking board have since been transferred to the Superintendent of Financial Services, pursuant to Part A of Chapter 62 of the Laws of 2011, Section 89.

New Paragraph (d) was added to Subsection (5) of Section 590 by the Mortgage Lending Reform Law and requires mortgage loan servicers to engage in the servicing business in conformity with the Banking Law, such rules and regulations as may be promulgated by the Banking Board or prescribed by the Superintendent, and all applicable federal laws, rules and regulations.

New Subsection (1) of Section 595-b was added by the Mortgage Lending Reform Law and requires the Superintendent to promulgate regulations and policies governing the grounds to impose a fine or penalty with respect to the activities of a mortgage loan servicer. Also, the Mortgage Lending Reform Law amends the penalty provision of Subdivision (1) of Section 598 to apply to mortgage loan servicers as well as to other entities.

New Subdivision (2) of Section 595-b was added by the Mortgage Lending Reform Law and authorizes the Superintendent to prescribe regulations relating to disclosure to borrowers of interest rate resets, requirements for providing payoff statements, and governing the timing of crediting of payments made by the borrower.

Section 596 was amended by the Mortgage Lending Reform Law to extend the Superintendent's examination authority over licensees and registrants to cover mortgage loan servicers. The provisions of Banking Law Section 36(10) making examination reports confidential are also extended to cover mortgage loan servicers.

Similarly, the books and records requirements in Section 597 covering licensees, registrants and exempt organizations were amended by the Mortgage Lending Reform Law to cover servicers and a provision was added authorizing the Superintendent to require that servicers file annual reports or other regular or special reports.

The power of the Superintendent to require regulated entities to appear and explain apparent violations of law and regulations was extended by the Mortgage Lending Reform Law to cover mortgage loan servicers (Subdivision (1) of Section 39), as was the power to order the discontinuance of unauthorized or unsafe practices (Subdivision (2) of Section 39) and to order that accounts be kept in a prescribed manner (Subdivision (5) of Section 39).

Finally, mortgage loan servicers were added to the list of entities subject to the Superintendent's power to impose monetary penalties for violations of a law, regulation or order. (Paragraph (a) of Subdivision (1) of Section 44).

The fee amounts for mortgage loan servicer registration and branch applications are established in accordance with Banking Law Section 18-a.

2. Legislative Objectives.

The Mortgage Lending Reform Law was intended to address various problems related to residential mortgage loans in this State. The law reflects the view of the Legislature that consumers would be better protected by the supervision of mortgage loan servicing. Even though mortgage loan servicers perform a central function in the mortgage industry, there had previously been no general regulation of servicers by the state or the Federal government.

The Mortgage Lending Reform Law requires that entities be registered with the Superintendent in order to engage in the business of servicing mortgage loans in this state. The new law further requires mortgage loan servicers to engage in the business of servicing mortgage loans in conformity with the rules and regulations promulgated by the Banking Board and the Superintendent.

The mortgage servicing statute has two main components: (i) the first component addresses the registration requirement for persons engaged in the business of servicing mortgage loans; and (ii) the second authorizes the Superintendent to promulgate appropriate rules and regulations for the regulation of servicers in this state.

Part 418 of the Superintendent's Regulations, initially adopted on an

emergency basis on July 1 2009, addresses the first component of the mortgage servicing statute by setting standards and procedures for applications for registration as a mortgage loan servicer, for approving and denying applications to be registered as a mortgage loan servicer, for approving changes of control, for suspending, terminating or revoking the registration of a mortgage loan servicer as well as setting financial responsibility standards for mortgage loan servicers.

Part 419 addresses the business practices of mortgage loan servicers in connection with their servicing of residential mortgage loans. This part addresses the obligations of mortgage loan servicers in their communications, transactions and general dealings with borrowers, including the handling of consumer complaints and inquiries, handling of escrow payments, crediting of payments, charging of fees, loss mitigation procedures and provision of payment histories and payoff statements. This part also imposes certain recordkeeping and reporting requirements in order to enable the Superintendent to monitor servicers' conduct and prohibits certain practices such as engaging in deceptive business practices.

Collectively, the provisions of Part 418 and 419 implement the intent of the Legislature to register and supervise mortgage loan servicers.

3. Needs and Benefits.

The Mortgage Lending Reform Law adopted a multifaceted approach to the lack of supervision of the mortgage loan industry, particularly with respect to servicing and foreclosure. It addressed a variety of areas in the residential mortgage loan industry, including: i. loan originations; ii. loan foreclosures; and iii. the conduct of business by residential mortgage loans servicers.

Until July 1, 2009, when the mortgage loan servicer registration provisions first became effective, the Department regulated the brokering and making of mortgage loans, but not the servicing of these mortgage loans. Servicing is vital part of the residential mortgage loan industry; it involves the collection of mortgage payments from borrowers and remittance of the same to owners of mortgage loans; to governmental agencies for taxes; and to insurance companies for insurance premiums. Mortgage servicers also act as agents for owners of mortgages in negotiations relating to loss mitigation when a mortgage becomes delinquent. As "middlemen," moreover, servicers also play an important role when a property is foreclosed upon. For example, the servicer may typically act on behalf of the owner of the loan in the foreclosure proceeding.

Further, unlike in the case of a mortgage broker or a mortgage lender, borrowers cannot "shop around" for loan servicers, and generally have no input in deciding what company services their loans. The absence of the ability to select a servicer obviously raises concerns over the character and viability of these entities given the central part of they play in the mortgage industry. There also is evidence that some servicers may have provided poor customer service. Specific examples of these activities include: pyramiding late fees; misapplying escrow payments; imposing illegal prepayment penalties; not providing timely and clear information to borrowers; erroneously force-placing insurance when borrowers already have insurance; and failing to engage in prompt and appropriate loss mitigation efforts.

More than 2,000,000 loans on residential one-to-four family properties are being serviced in New York. Of these over 9% were seriously delinquent as of the first quarter of 2012. Despite various initiatives adopted at the state level and the creation of federal programs such as Making Home Affordable to encourage loan modifications and help at risk homeowners, the number of loans modified, have not kept pace with the number of foreclosures. Foreclosures impose costs not only on borrowers and lenders but also on neighboring homeowners, cities and towns. They drive down home prices, diminish tax revenues and have adverse social consequences and costs.

As noted above, Part 418, initially adopted on an emergency basis on July 1 2009, relates to the first component of the mortgage servicing statute – the registration of mortgage loan servicers. It was intended to ensure that only those persons and entities with adequate financial support and sound character and general fitness will be permitted to register as mortgage loan servicers. It also provided for the suspension, revocation and termination of licenses involved in wrongdoing and establishes minimum financial standards for mortgage loan servicers.

Part 419 addresses the business practices of mortgage loan servicers and establishes certain consumer protections for homeowners whose residential mortgage loans are being serviced. These regulations provide standards and procedures for servicers to follow in their course of dealings with borrowers, including the handling of borrower complaints and inquiries, payment of taxes and insurance premiums, crediting of borrower payments, provision of annual statements of the borrower's account, authorized fees, late charges and handling of loan delinquencies and loss mitigation. Part 419 also identifies practices that are prohibited and imposes certain reporting and record-keeping requirements to enable the Superintendent to determine the servicer's compliance with applicable laws, its financial condition and the status of its servicing portfolio.

Since the adoption of Part 418, 67 entities have been approved for registration or have pending applications and nearly 400 entities have indicated that they are a mortgage banker, broker, bank or other organization exempt from the registration requirements.

All Exempt Organizations, mortgage bankers and mortgage brokers that perform mortgage loan servicing with respect to New York mortgages must notify the Superintendent that they do so, and are required to comply with the conduct of business and consumer protection rules applicable to mortgage loan servicers.

These regulations will improve accountability and the quality of service in the mortgage loan industry and will help promote alternatives to foreclosure in the state.

4. Costs.

The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, operating subsidiaries or affiliates of banks, large independent servicers or other financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Moreover, any additional costs are likely to be mitigated by the fact that many of the requirements of Part 419, including those relating to the handling of residential mortgage delinquencies and loss mitigation (419.11) and quarterly reporting (419.12), are consistent with or substantially similar to standards found in other federal or state laws, federal mortgage modification programs or servicers own protocols.

For example, Fannie Mae and Freddie Mac, which own or insure approximately 90% of the nation's securitized mortgage loans, have similar guidelines governing various aspects of mortgage servicing, including handling of loan delinquencies. In addition, over 100 mortgage loan servicers participate in the federal Making Home Affordable (MHA) program which requires adherence to standards for handling of loan delinquencies and loss mitigation similar to those contained in these regulations. Those servicers not participating in MHA have, for the most part, adopted programs which parallel many components of MHA.

Reporting on loan delinquencies and loss mitigation has likewise become increasingly common. The OCC publish quarterly reports on credit performance, loss mitigation efforts and foreclosures based on data provided by national banks and thrifts. And, states such as Maryland and North Carolina have adopted similar reporting requirements to those contained in section 419.12.

Many of the other requirements of Part 419 such as those related to handling of taxes, insurance and escrow payments, collection of late fees and charges, crediting of payments derive from federal or state laws and reflect best industry practices. The periodic reporting and bookkeeping and record keeping requirements are also standard among financial services businesses, including mortgage bankers and brokers (see, for example section 410 of the Superintendent's Regulations).

The ability by the Department to regulate mortgage loan servicers is expected to reduce costs associated with responding to consumers' complaints, decrease unnecessary expenses borne by mortgagors, and should assist in decreasing the number of foreclosures in this state.

The regulations will not result in any fiscal implications to the State. The Department is funded by the regulated financial services industry. Fees charged to the industry will be adjusted periodically to cover Department expenses incurred in carrying out this regulatory responsibility.

5. Local Government Mandates.

None.

6. Paperwork.

Part 419 requires mortgage loan servicers to keep books and records related to its servicing for a period of three years and to produce quarterly reports and financial statements as well as annual and other reports requested by the Superintendent. It is anticipated that the quarterly reporting relating to mortgage loan servicing will be done electronically and would therefore be virtually paperless. The other recordkeeping and reporting requirements are consistent with standards generally required of mortgage bankers and brokers and other regulated financial services entities.

7. Duplication.

The regulation does not duplicate, overlap or conflict with any other regulations. The various federal laws that touch upon aspects of mortgage loan servicing are noted in Section 9 "Federal Standards" below.

8. Alternatives.

The Mortgage Lending Reform Law required the registration of mortgage loan servicers and empowered the Superintendent to prescribe rules and regulations to guide the business of mortgage servicing. The purpose of the regulation is to carry out this statutory mandate to register mortgage loan servicers and regulate the manner in which they conduct business. The Department circulated a proposed draft of Part 419 and received comments from and met with industry and consumer groups. The

current Part 419 reflects the input received. The alternative to these regulations is to do nothing or to wait for the newly created federal bureau of consumer protection to promulgate national rules, which could take years, may not happen at all or may not address all the practices covered by the rule. Thus, neither of those alternatives would effectuate the intent of the legislature to address the current foreclosure crisis, help at-risk homeowners vis-à-vis their loan servicers and ensure that mortgage loan servicers engage in fair and appropriate servicing practices.

9. Federal Standards.

Currently, mortgage loan servicers are not required to be registered by any federal agencies, and there are no comprehensive federal rules governing mortgage loan servicing. Federal laws such as the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. § 2601 et seq. and regulations adopted thereunder, 24 C.F.R. Part 3500, and the Truth-in-Lending Act, 15 U.S.C. section 1600 et seq. and Regulation Z adopted thereunder, 12 C.F.R. section 226 et seq., govern some aspects of mortgage loan servicing, and there have been some recent amendments to those laws and regulations regarding mortgage loan servicing. For example, Regulation Z, 12 C.F.R. section 226.36(c), was recently amended to address the crediting of payments, imposition of late charges and the provision of payoff statements. In addition, the recently enacted Dodd-Frank Wall Street Reform and Protection Act of 2010 (Dodd-Frank Act) establishes requirements for the handling of escrow accounts, obtaining force-placed insurance, responding to borrower requests and providing information related to the owner of the loan.

Additionally, the newly created Bureau of Consumer Financial Protection established by the Dodd-Frank Act may soon propose additional regulations for mortgage loan servicers.

10. Compliance Schedule.

Similar emergency regulations first became effective on October 1, 2010.

Regulatory Flexibility Analysis

1. Effect of the Rule:

The rule will not have any impact on local governments. The Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law") requires all mortgage loan servicers, whether registered or exempt from registration under the law, to service mortgage loans in accordance with the rules and regulations promulgated by the Banking Board or Superintendent. The functions and powers of the Banking Board have since been transferred to the Superintendent of Financial Services, pursuant to Part A of Chapter 62 of the Laws of 2011, Section 89. Of the 67 entities which have been approved for registration or have pending applications and the nearly 400 entities which have indicated that they are exempt from the registration requirements, it is estimated that very few are small businesses.

2. Compliance Requirements:

The provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers has two main components: it requires the registration by the Department of servicers who are not a bank, mortgage banker, mortgage broker or other exempt organizations (the "MLS Registration Regulations"), and it authorizes the Department to promulgate rules and regulations that are necessary and appropriate for the protection of consumers, to define improper or fraudulent business practices, or otherwise appropriate for the effective administration of the provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers (the "Mortgage Loan Servicer Business Conduct Regulations").

The provisions of the Mortgage Lending Reform Law requiring registration of mortgage loan servicers which are not mortgage bankers, mortgage brokers or exempt organizations became effective on July 1, 2009. Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1 2009, sets for the standards and procedures for applications for registration as a mortgage loan servicer, for approving and denying applications to be registered as a mortgage loan servicer, for approving changes of control, for suspending, terminating or revoking the registration of a mortgage loan servicer as well as the financial responsibility standards for mortgage loan servicers.

Part 419 implements the provisions of the Mortgage Lending Reform Law by setting the standards by which mortgage loan servicers conduct the business of mortgage loan servicing. The rule sets the standards for handling complaints, payments of taxes and insurance, crediting of borrower payments, late payments, account statements, delinquencies and loss mitigation, fees and recordkeeping.

3. Professional Services:

None.

4. Compliance Costs:

The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, operating subsidiaries or affiliates of banks, large independent servicers or other

financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Moreover, any additional costs are likely to be mitigated by the fact that many of the requirements of Part 419, including those relating to the handling of residential mortgage delinquencies and loss mitigation (419.11) and quarterly reporting (419.12), are consistent with or substantially similar to standards found in other federal or state laws, federal mortgage modification programs or servicers own protocols.

For example, Fannie Mae and Freddie Mac, which own or insure approximately 90% of the nation's securitized mortgage loans, have similar guidelines governing various aspects of mortgage servicing, including handling of loan delinquencies. In addition, over 100 mortgage loan servicers participate in the federal Making Home Affordable (MHA) program which requires adherence to standards for handling of loan delinquencies and loss mitigation similar to those contained in these regulations. Those servicers not participating in MHA have, for the most part, adopted programs which parallel many components of MHA.

Reporting on loan delinquencies and loss mitigation has likewise become increasingly common. The OCC publishes quarterly reports on credit performance, loss mitigation efforts and foreclosures based on data provided by national banks and thrifts. And, states such as Maryland and North Carolina have adopted similar reporting requirements to those contained in section 419.12.

Many of the other requirements of Part 419 such as those related to handling of taxes, insurance and escrow payments, collection of late fees and charges, crediting of payments derive from federal or state laws and reflect best industry practices. The periodic reporting and bookkeeping and record keeping requirements are also standard among financial services businesses, including mortgage bankers and brokers (see, for example section 410 of the Superintendent's Regulations).

Compliance with the rule should improve the servicing of residential mortgage loans in New York, including the handling of mortgage delinquencies, help prevent unnecessary foreclosures and reduce consumer complaints regarding the servicing of residential mortgage loans.

5. Economic and Technological Feasibility:

For the reasons noted in Section 4 above, the rule should impose no adverse economic or technological burden on mortgage loan servicers that are small businesses.

6. Minimizing Adverse Impacts:

As noted in Section 1 above, most servicers are not small businesses. Many of the requirements contained in the rule derive from federal or state laws, existing servicer guidelines utilized by Fannie Mae and Freddie Mac and best industry practices.

Moreover, the ability by the Department to regulate mortgage loan servicers is expected to reduce costs associated with responding to consumers' complaints, decrease unnecessary expenses borne by mortgagors, help borrowers at risk of foreclosure and decrease the number of foreclosures in this state.

7. Small Business and Local Government Participation:

The Department distributed a draft of proposed Part 419 to industry representatives, received industry comments on the proposed rule and met with industry representatives in person. The Department likewise distributed a draft of proposed Part 419 to consumer groups, received their comments on the proposed rule and met with consumer representatives to discuss the proposed rule in person. The rule reflects the input received from both industry and consumer groups.

Rural Area Flexibility Analysis

Types and Estimated Numbers: Since the adoption of the Mortgage Lending Reform Law of 2008 (Ch. 472, Laws of 2008, hereinafter, the "Mortgage Lending Reform Law"), which required mortgage loan servicers to be registered with the Department unless exempted under the law, 67 entities have pending applications or have been approved for registration and nearly 400 entities have indicated that they are a mortgage banker, broker, bank or other organization exempt from the registration requirements. Only one of the non-exempt entities applying for registration is located in New York and operating in a rural area. Of the exempt organizations, all of which are required to comply with the conduct of business contained in Part 419, approximately 400 are located in New York, including several in rural areas. However, the overwhelming majority of exempt organizations, regardless of where located, are banks or credit unions that are already regulated and are thus familiar with complying with the types of requirements contained in this regulation.

Compliance Requirements: The provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers has two main components: it requires the registration by the Department of servicers that are not a bank, mortgage banker, mortgage broker or other exempt organization (the "MLS Registration Regulations"), and it authorizes the Department to promulgate rules and regulations that are necessary and appropriate for the protection of consumers, to define improper or fraudulent business practices, or otherwise appropriate for the effective administration of the

provisions of the Mortgage Lending Reform Law relating to mortgage loan servicers (the "MLS Business Conduct Regulations").

The provisions of the Mortgage Lending Reform Law of 2008 requiring registration of mortgage loan servicers which are not mortgage bankers, mortgage brokers or exempt organizations became effective on July 1, 2009. Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1, 2010, sets forth the standards and procedures for applications for registration as a mortgage loan servicer, for approving and denying applications to be registered as a mortgage loan servicer, for approving changes of control, for suspending, terminating or revoking the registration of a mortgage loan servicer as well as the financial responsibility standards for mortgage loan servicers.

Part 419 implements the provisions of the Mortgage Lending Reform Law of 2008 by setting the standards by which mortgage loan servicers conduct the business of mortgage loan servicing. The rule sets the standards for handling complaints, payments of taxes and insurance, crediting borrower payments, late payments, account statements, delinquencies and loss mitigation and fees. This part also imposes certain recordkeeping and reporting requirements in order to enable the Superintendent to monitor services' conduct and prohibits certain practices such as engaging in deceptive business practices.

Costs: The requirements of Part 419 do not impose any direct costs on mortgage loan servicers. The periodic reporting requirements of Part 419 are consistent with those imposed on other regulated entities. In addition, many of the other requirements of Part 419, such as those related to the handling of loan delinquencies, taxes, insurance and escrow payments, collection of late fees and charges and crediting of payments, derive from federal or state laws, current federal loan modification programs, servicing guidelines utilized by Fannie Mae and Freddie Mac or servicers' own protocols. Although mortgage loan servicers may incur some additional costs as a result of complying with Part 419, the overwhelming majority of mortgage loan servicers are banks, credit unions, operating subsidiaries or affiliates of banks, large independent servicers or other financial services entities that service millions, and even billions, of dollars in loans and have the experience, resources and systems to comply with these requirements. Of the 67 entities that have been approved for registration or that have pending applications, only one is located in a rural area of New York State. Of the few exempt organizations located in rural areas of New York, virtually all are banks or credit unions. Moreover, compliance with the rule should improve the servicing of residential mortgage loans in New York, including the handling of mortgage delinquencies, help prevent unnecessary foreclosures and reduce consumer complaints regarding the servicing of residential mortgage loans.

Minimizing Adverse Impacts: As noted in the "Costs" section above, while mortgage loan servicers may incur some higher costs as a result of complying with the rules, the Department does not believe that the rule will impose any meaningful adverse economic impact upon private or public entities in rural areas.

In addition, it should be noted that Part 418, which establishes the application and financial requirements for mortgage loan servicers, authorizes the Superintendent to reduce or waive the otherwise applicable financial responsibility requirements in the case of mortgage loans servicers that service not more than 12 mortgage loans or more than \$5,000,000 in aggregate mortgage loans in New York and which do not collect tax or insurance payments. The Superintendent is also authorized to reduce or waive the financial responsibility requirements in other cases for good cause. The Department believes that this will ameliorate any burden on mortgage loan servicers operating in rural areas.

Rural Area Participation: The Department issued a draft of Part 419 in December 2009 and held meetings with and received comments from industry and consumer groups following the release of the draft rule. The Department also maintains continuous contact with large segments of the servicing industry through its regulation of mortgage bankers and brokers and its work in the area of foreclosure prevention. The Department likewise maintains close contact with a variety of consumer groups through its community outreach programs and foreclosure mitigation programs. The Department has utilized this knowledge base in drafting the regulation.

Job Impact Statement

Article 12-D of the Banking Law, as amended by the Mortgage Lending Reform Law (Ch. 472, Laws of 2008), requires persons and entities which engage in the business of servicing mortgage loans after July 1, 2009 to be registered with the Superintendent. Part 418 of the Superintendent's Regulations, initially adopted on an emergency basis on July 1, 2009, sets forth the application, exemption and approval procedures for registration as a mortgage loan servicer, as well as financial responsibility requirements for applicants, registrants and exempted persons.

Part 419 addresses the business practices of mortgage loan servicers in connection with their servicing of residential mortgage loans. Thus, this part addresses the obligations of mortgage loan servicers in their com-

munications, transactions and general dealings with borrowers, including the handling of consumer complaints and inquiries, handling of escrow payments, crediting of payments, charging of fees, loss mitigation procedures and provision of payment histories and payoff statements. This part also imposes certain recordkeeping and reporting requirements in order to enable the Superintendent to monitor services' conduct and prohibits certain practices such as engaging in deceptive business practices.

Compliance with Part 419 is not expected to have a significant adverse effect on jobs or employment activities within the mortgage loan servicing industry. The vast majority of mortgage loan servicers are sophisticated financial entities that service millions, if not billions, of dollars in loans and have the experience, resources and systems to comply with the requirements of the rule. Moreover, many of the requirements of the rule reflect derive from federal or state laws and reflect existing best industry practices.

New York State Gaming Commission

NOTICE OF ADOPTION

Problem Gambling Awareness and Training and to Establish a Process for Gaming Facility Patron Self-Exclusion

I.D. No. SGC-12-16-00002-A

Filing No. 508

Filing Date: 2016-05-24

Effective Date: 2016-06-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Parts 5325-5326; and amendment of section 5300.1 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(2)(p), 1344, 1345, 1362 and 1363

Subject: Problem gambling awareness and training and to establish a process for gaming facility patron self-exclusion.

Purpose: To promote best responsible gaming practices and establish a process for gaming facility patron self-exclusion.

Text of final rule: § 5300.1. Definitions.

Sections 5300.1(f) through (m) are redesignated as (g) through (n)

(f) *Excluded person means a person who is excluded from a gaming facility pursuant to Part 5326 of this Subchapter.*

Title 9 of the NYCRR would be amended to add new Parts 5325 and 5326, to read as follows:

PART 5325

Problem Gambling Prevention and Outreach

§ 5325.1. *Purpose, scope and applicability.*

The purpose of this Part is to establish standards, criteria and procedures by which the commission and gaming facility licensees maximize the effectiveness of a problem gambling prevention and outreach program established pursuant to section 5325.2 of this Part for individuals, families and communities, as well as promote best responsible gaming practices in all aspects of gaming facility activities and use principles of responsible gaming in introducing new and emerging technologies.

§ 5325.2. *Problem gambling plan.*

(a) *At least 90 days prior to projected issuance of an operation certificate, a gaming facility licensee shall submit for commission review and approval a problem gambling plan.*

(b) *A problem gambling plan shall include the following:*

(1) *the goals of the plan, including procedures and timetables to implement the plan;*

(2) *identification of the individual who will be responsible for implementation and maintenance of the plan;*

(3) *policies and procedures that clearly illustrate:*

(i) *the commitment of the gaming facility licensee to train appropriate employees;*

(ii) *the duties and responsibilities of the employees designated to implement or participate in the problem gambling plan;*

(iii) *procedures for compliance with the self-exclusion program set forth in Part 5326 of this Subchapter;*

(iv) procedures to identify patrons and employees exhibiting suspected or known problem gambling behavior;

(v) procedures to limit or prevent loyalty and other rewards and marketing programs for patrons exhibiting suspected or known problem gambling behavior;

(vi) procedures for providing information to individuals and responding to patron/employee requests for information in regard to the self-exclusion program and any community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat or monitor problem gamblers and to counsel family members;

(vii) the provision of printed material to educate patrons and employees about problem gambling and to inform them about the self-exclusion program set forth in Part 5326 of this Subchapter and treatment services available to problem gamblers and their families. The gaming facility licensee shall provide examples of the materials to be used as part of its problem gambling plan, including brochures and other printed material and a description of how the material will be disseminated;

(viii) advertising and other marketing and outreach to educate the general public about problem gambling and the self-exclusion program set forth in Part 5326 of this Subchapter;

(ix) an employee training program as set forth in section 5325.3 of this Part, including sample training materials to be used and a plan for periodic reinforcement training and a certification process established by the gaming facility applicant to verify that each employee has completed the training required by the plan;

(x) procedures to prevent underage gambling;

(xi) procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and

(xii) a signage plan containing information on gambling treatment and on the self-exclusion program set forth in Part 5326 of this Subchapter. The gaming facility licensee shall provide examples of the language and graphics to be used on the signs as part of the problem gambling plan. Additionally, the signage plan shall include posting of signs on appropriate languages other than English, depending upon the patron demographics in a facility.

(4) a list of community, public and private treatment services, gamblers anonymous programs and similar treatment therapy programs designed to prevent, treat, or monitor problem gamblers and to counsel family members and procedures for making such list available upon request; and

(5) any other information, documents and policies and procedures as the commission may request.

(c) Each gaming facility licensee shall submit to the commission for review and approval any amendments to such gaming facility licensee's problem gambling plan at least 30 days prior to the intended implementation of such amendment. The gaming facility licensee may implement a proposed amendment on the 30th calendar day following the filing of such amendment with the commission, unless the commission provides notice pursuant to subdivision (d) of this section objecting to such amendment.

(d) If during the 30-day review period the commission determines that any amendment is inconsistent with the intent of this Part, the commission shall, by delivering written notice to the gaming facility licensee, object to such amendment. Such objection notice shall:

(1) specify the nature of the objection and, when possible, an acceptable alternative; and

(2) direct that such amendment not be implemented.

(e) When an amendment has been objected to pursuant to subdivision (d) of this section, the gaming facility licensee may submit a revised amendment for review pursuant to subdivision (c) of this section.

§ 5325.3. Employee training program.

(a) The employee training program required pursuant to subparagraph (viii) of paragraph (3) of subdivision (b) of section 5325.2 shall include instruction in the following:

(1) characteristics and symptoms of problem gambling behavior;

(2) the relationship of problem gambling to other addictive behavior;

(3) techniques to be used when problem gambling is suspected or identified;

(4) techniques to be used to discuss problem gambling with patrons and advise patrons in regard to community, public and private treatment services;

(5) procedures designed to prevent serving alcohol to visibly intoxicated patrons;

(6) procedures designed to prevent persons from gambling after having been determined to be visibly intoxicated;

(7) procedures for the dissemination of written materials to patrons

explaining the self-exclusion program as set forth in Part 5326 of this Subchapter;

(8) procedures for removing an excluded person, as defined in section 5300.1 of this Subchapter, an underage individual or a person on the self-exclusion list from a gaming facility, including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel;

(9) procedures to prevent an excluded person or a person on the self-exclusion list from being mailed any advertisement, promotion or other target mailing as soon as practicable after receiving notice from the commission that the person has been placed on the excluded person or self-exclusion list;

(10) procedures to prevent an individual under 21 years of age from receiving any advertisement, promotion or other target mailing;

(11) procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from directly accessing or receiving complimentary services, or other like benefits; and

(12) procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from cashing checks or vouchers that require ID on gaming facility premises.

(b) Training and training materials shall be reviewed annually to be updated, if applicable, to include new or revised information on responsible and problem gambling or empirical research.

(c) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming training programs as part of the employee's orientation.

(d) Employees who have received training shall be acknowledged by the gaming facility licensee upon completion of training.

(e) Employees are required to receive periodic reinforcement training at no less than once every 12 months, starting with the year following the year in which the employee was hired. The gaming facility licensee shall retain a record of the date of the reinforcement trainings.

(f) Employees shall report suspected or identified problem gamblers to a designated casino key employee or other designated supervisory employee.

(g) Gaming facility licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this Part.

§ 5325.4. Reports.

(a) Each gaming facility licensee shall submit to the commission quarterly updates and an annual summary of its problem gambling plan and goals.

(b) The quarterly updates and annual summary must contain, at a minimum, detailed information in regard to:

(1) employee training, including the dates of live or Internet-based new-hire and annual reinforcement problem gambling training, the individual or group who conducted the training, the number of employees who completed the new hire problem gambling training and the number of employees who completed the annual reinforcement problem gambling training;

(2) an estimated amount of printed materials provided to patrons in regard to problem gambling, the self-exclusion program, responsible gambling and available treatment services;

(3) the annual dollar amount spent on the problem gambling plan for employee training, printed materials and outreach including information on sponsorships, memberships and other problem-gambling-related expenditures; and

(4) additional information including:

(i) the number of underage individuals who were denied access to the gaming floor;

(ii) the number of self-excluded individuals who were discovered on the gaming floor at the gaming facility;

(iii) the number of signs within the gaming facility that contain the approved problem gambling statement and helpline number; and

(iv) a summary of any additional employee training, problem gambling related conferences or problem gambling awareness events conducted by the gaming facility licensee or in which employees of the gaming facility licensee participated.

§ 5325.5. Signage.

Each gaming facility licensee shall post signs in a size as approved in writing by the commission that include the problem gambling assistance message as set forth in section § 5325.6 of this Part at each of the following locations:

(a) within 50 feet of each entrance and exit of the gaming facility or at a distance otherwise approved in writing by the commission;

(b) above or below the cash-dispensing opening on all automated teller machines, automated gaming voucher and coupon redemption machines and other machines that dispense cash to patrons at the gaming facility;

(c) on all gaming devices;

(d) in all gaming facility employee break areas;

(e) in the player club location or locations;

(f) in or near cage areas; and

(g) in any other location, as the commission may require.

§ 5325.6. Advertising.

(a) Advertisements used by a gaming facility licensee shall comply with Racing, Pari-Mutuel Wagering and Breeding Law section 1363 and with advertising guidelines issued by the National Council on Problem Gambling.

(b) Advertisements shall contain a problem gambling assistance message comparable to one of the following:

(1) If you or someone you know has a gambling problem, help is available. Call (877-8-HOPENY) or text HOPENY (46769);

(2) Gambling Problem? Call (877-8-HOPENY) or text HOPENY (46769); or

(3) any other message approved in writing by the commission.

(c) Unless otherwise approved in writing by the commission, the problem gambling assistance message shall meet the following requirements:

(1) for signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the problem gambling assistance message must be the greater of:

(i) the same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement; and

(ii) two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement;

(2) for billboards, the height of the font used for the problem gambling assistance message must be at least five percent of the height or width, whichever is greater, of the face of the billboard;

(3) for video and television, the problem gambling assistance message must be visible for either:

(i) the entire time the video or television advertisement is displayed, in which case the height of the font used for the problem gambling assistance message must be at least two percent of the height or width, whichever is greater, of the image that will be displayed; or

(ii) from the first time a table game, table game device, slot machine, associated equipment or gaming facility name is displayed or orally referenced, and on a dedicated screenshot visible for at least the last three seconds of the video or television advertisement. If the gaming facility licensee elects to use this option, the height of the font used for the problem gambling assistance message displayed:

(a) during the advertisement must be at least two percent of the height or width, whichever is greater, of the image that will be displayed; and

(b) on the dedicated screen shot must be at least eight percent of the height or width, whichever is greater, of the image that will be displayed;

(4) for websites, including social media sites and mobile phone applications:

(i) the problem gambling assistance message must be posted on each webpage or profile page and on any gaming-related advertisement posted on the webpage or profile page;

(ii) the height of the font used for the problem gambling assistance message must be at least the same size as the majority of the text used in the webpage or profile page; and

(iii) for advertisements posted on the webpage or profile page, the height of the font used for the problem gambling assistance message must comply with subparagraph (ii) of this paragraph.

PART 5326

Self-Exclusion

§ 5326.1. Request for self-exclusion.

As set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1344, the commission shall provide for the establishment of a list of persons who have chosen voluntarily to be excluded from participation in all gaming activities and to be prohibited from collecting any winnings or recovering any losses at gaming facilities. For purposes of this Part, the term "gaming facility" shall mean any room, premises or designated gaming area where gaming is conducted.

(a) A person requesting placement on the self-exclusion list shall submit to the commission a request for self-exclusion from gaming activities. The submission may be made by appearing at the commission's Schenectady

office during regular business hours or at designated commission offices. Persons who are unable to travel to a commission office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the commission secretary. Nothing in this section shall require that an accommodation be granted.

(b) A request for self-exclusion from gaming activities shall include the following identifying information:

(1) name, including any aliases or nicknames;

(2) date of birth;

(3) address of current residence;

(4) telephone number;

(5) social security number, when voluntarily provided in accordance with section seven of the Privacy Act of 1974 (5 U.S.C. § 552a) or Article 6-A of the N.Y. Public Officers Law (Personal Privacy Protection Law);

(6) height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person; and

(7) a copy of a current government-issued photo identification such as a driver's license or passport.

(c) Any person requesting self-exclusion pursuant to this Part shall be required to have his or her photograph taken by the commission upon submission of the request.

(d) A self-excluded person shall update any of the information provided in subdivision (b) of this section within 30 days of any change.

(e) The length of self-exclusion requested by a person shall be one of the following:

(1) one year;

(2) five years; or

(3) lifetime.

(f) Each person requesting self-exclusion shall provide:

(1) a waiver and release that shall release and forever discharge the State of New York, the commission and its employees and agents and all gaming facility licensees and their employees and agents, from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list, including:

(i) the processing or enforcement of the self-exclusion request;

(ii) the failure of a gaming facility licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;

(iii) permitting a self-excluded person to engage in gaming activity in a gaming facility while on the list of self-excluded persons; and

(iv) disclosure of the information contained in the self-exclusion request or list, except for a willfully unlawful disclosure of such information; and

(2) the signature of the person submitting the request for self-exclusion, indicating acknowledgment of the following statement:

"I voluntarily request exclusion from all casino gaming activities at all licensed New York gaming facilities. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Commission to direct all New York gaming facility licensees to restrict my gaming activities in accordance with this request and, unless I have requested to be excluded for life, until such time as the Commission removes my name from the self-exclusion list. I am aware and agree that during any period of self-exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all licensed gaming facilities, and that any money or thing of value obtained by me from, or owed to me by, a gaming facility licensee as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture.";

(g) The commission shall document a description of the type of identification credentials examined containing the signature of a person requesting self-exclusion, and whether said credentials included a photograph or general physical description of the person.

(h) The commission shall document the signature of the commission employee authorized to accept a self-exclusion request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on the requester's identification credentials and that any photograph or physical description of the person appears to agree with the requester's actual appearance.

(i) Each self-excluded person shall acknowledge that no gaming facility shall allow such person to redeem any points or complimentaries earned by such person as of the time such person completes the request for placement on the self-exclusion list. Points or complimentaries refer to credits

earned by a person under the terms of a licensee's marketing program and shall include, without limitation, food vouchers or coupons, chip or free play vouchers or coupons, hotel complementaries or any other such noncash benefit owing to such person. The terms and conditions of the player club shall remain in effect during the period of self-exclusion.

(j) Each person requesting self-exclusion for one or five years shall be advised that if such person is found violating the rules set forth in this Part, in addition to any other penalty that may otherwise be imposed, the commission shall revise the start date of such person's self-exclusion period to correspond with the date such violation occurred.

§ 5326.2. Self-exclusion list.

(a) The commission shall maintain the official self-exclusion list and notify each gaming facility licensee of additions to or deletions from the list within five business days of the verification of the information received pursuant to section 5326.1 of this Part.

(b) The notice that the commission provides to gaming facility licensees shall include the information provided pursuant to subdivision (b) of section 5326.1 of this Part and a copy of the photograph taken by the commission pursuant to subdivision (c) of section 5326.1 of this Part.

(c) A gaming facility licensee shall maintain a current copy of the self-exclusion list and ensure that all appropriate employees and agents of the gaming facility licensee are promptly notified of any addition to or deletion from the list within three business days after the day notice is provided to each gaming facility licensee.

(d) Gaming facility licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion to anyone other than employees and agents of the gaming facility licensee whose duties and functions require access to the information. Notwithstanding anything to the contrary in this subdivision, a gaming facility licensee may disclose the identity of a self-excluded person to appropriate employees of other gaming facility licensees in the State of New York or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(e) A self-excluded person shall not collect in any manner any winnings or recover any losses arising as a result of any gaming activity for the period of time that such person is on the commission's self-exclusion list, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1345(1).

(f) Winnings of a self-excluded person shall be subject to forfeiture and deposited into the commercial gaming revenue fund, subject to the requirements of Racing, Pari-Mutuel Wagering and Breeding Law 1345(3).

(g) For the purposes of this section, winnings issued to, found on or about, or redeemed by, a self-excluded person shall be presumed to constitute winnings subject to remittance to the commission.

§ 5326.3. Duties of gaming facility licensees.

(a) A gaming facility licensee shall train its employees and establish procedures to:

(1) identify a self-excluded person when present on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming-related activities and, upon identification, immediately notify, unless section 5326.5 of this Part applies, the following persons:

(i) employees of the gaming facility licensee whose duties include the removal of self-excluded persons;

(ii) the commission's designated staff at the licensed facility; and

(iii) if the gaming facility licensee deems appropriate, a law enforcement agency;

(2) refuse wagers from and deny gaming privileges to a self-excluded person;

(3) deny gaming-related activities including casino credit, check-cashing privileges, player club membership, complimentary goods and services, redemption of any previously earned complimentary goods and services, gaming junket participation and other similar privileges and benefits to a self-excluded person;

(4) ensure that self-excluded persons do not receive, either from the gaming facility licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility;

(5) comply with section 5326.2 of this Part; and

(6) make available to patrons written materials explaining the self-exclusion program and resources for treatment and assistance.

(b) A gaming facility licensee shall submit amendments to the procedures and training materials required under subdivision (a) of this section to the commission for review and approval at least 30 days prior to the intended implementation date of such amendments. Such gaming facility

licensee may implement the amendments on the 30th calendar day following the submission of such amendments unless such gaming facility licensee receives a notice under subdivision (d) of this section objecting to such amendments.

(c) If during the 30-day review period the commission determines that an amendment is inconsistent with the intent of this Part, the commission shall, by written notice to the gaming facility licensee, object to such amendment. The objection shall:

(1) specify the nature of the objection and, when possible, an acceptable alternative; and

(2) direct that the amendments not be implemented until approved by the commission.

(d) When amendments to procedures and training materials have been objected to pursuant to subdivision (c) of this section, a gaming facility licensee may submit revised amendments in accordance with subdivision (b) of this section.

(e) Each gaming facility licensee shall post signs within 50 feet of each entrance and exit of the gaming facility or at a distance otherwise approved in writing by the commission indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing pursuant to Penal Law sections 140.10, 140.15 and 140.17 if such person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming-related activities in the gaming facility. The text and font size of such signs shall be submitted to the commission for review and approval.

§ 5326.4. Removal from self-exclusion list.

For a person who is self-excluded for one year or five years, upon the conclusion of such period of self-exclusion, such person shall be removed from the self-exclusion list unless such person requests in writing, no later than 30 days prior to the expiration of such self-exclusion period, that the commission extend the term of such self-exclusion.

§ 5326.5. Exceptions for individuals on the self-exclusion list.

The prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted shall not apply to a person who is on the self-exclusion list, if all of the following apply:

(a) the individual is carrying out the duties of employment or incidental activities related to employment;

(b) the gaming facility licensee's security department has received prior notice, unless it was impracticable to have done so;

(c) access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties; and

(d) the individual does not otherwise engage in gaming activities.

§ 5326.6. Disclosure of information related to persons on the self-exclusion list.

(a) Information furnished to or obtained by the commission pursuant to this Part shall be deemed confidential and not be disclosed as disclosure would constitute an unwarranted invasion of personal privacy under the provisions of the Public Officers Law section 89(2);

(b) The commission may periodically release to the public demographics and general information in regard to the self-exclusion list, such as the total number of persons on the list, gender breakdown and age range.

(c) The commission may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

Final rule as compared with last published rule: Nonsubstantive changes were made in Parts 5323 and 5324.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, Acting Secretary, New York State Gaming Commission, One Broadway Center, Schenectady, NY 12305, (518) 388-3407, email: gamingrules@gaming.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

The Commission has renumbered the following regulations proposed in the March 23, 2016 State Register: Part 5323 Problem Gambling, Prevention and Outreach to Part 5325 and Part 5324 Self-Exclusion to Part 5326. The renumbering is not a substantive amendment to the proposed regulations and, therefore, does not necessitate a revision to the previously published RIS and consolidated RFA, RAFA and JIS statement.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Consequences for Commission Licensees, Agents, and Other Regulated Parties Who Violate Prohibition on Underage Wagering

I.D. No. SGC-12-16-00009-A

Filing No. 509

Filing Date: 2016-05-24

Effective Date: 2016-06-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 4003.39, 4122.6, 4404.10, 4602.1, 4622.2, 4622.3, 5001.27, 5007.5, 5007.13, 5013.3 and 5117.1 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104, 108 and 116; Tax Law, sections 1601, 1604, 1610 and 1612; General Municipal Law, sections 195-a and 486

Subject: Consequences for Commission licensees, agents, and other regulated parties who violate prohibition on underage wagering.

Purpose: To further enforce the age restriction laws for gambling by imposing fines, suspensions and/or license revocation.

Text or summary was published in the March 23, 2016 issue of the Register, I.D. No. SGC-12-16-00009-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kristen Buckley, Acting Secretary, New York State Gaming Commission, One Broadway Center, Schenectady, NY 12305, (518) 388-3407, email: gamingrules@gaming.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Gaming Commission received two comments, one from the New York Gaming Association (NYGA) and one from six collaborating trade associations representing convenience stores, grocery stores, gas stations, taverns and other retail establishments that are licensed to sell New York Lottery products in regard to this proposed rulemaking. The Commission has considered each of the comments received and decided that no changes were appropriate at this time.

NYGA stated that the proposed regulations are not necessary, inadvisably remove Commission discretion to determine penalties, are unduly harsh in not allowing consideration of mitigating circumstances and impose unreasonable new burdens on operators. In general, NYGA opposed fixed penalties for violations that do not allow for the exercise of Commission discretion. NYGA asserted that facts and circumstances can vary significantly and that “unintentional” violations should not be punished as severely as violations involving “genuine misconduct or fault.” NYGA suggested that the importance of advance notice of possible penalties could be addressed through suggested, rather than mandated, penalties. In particular, NYGA stated that the proposed fines for allowing underage wagering at race tracks are excessive, especially with no provision for circumstances in which a minor produces false identification. NYGA noted that with respect to underage violations at video lottery facilities, the proposed penalties would be unduly harsh in circumstances in which apparent violations are remedied quickly (for example, within minutes, or when a minor crosses the gaming floor to use a restroom). NYGA also stated that it would be unfair for multiple violations to accrue from a single incident.

The Commission considered NYGA’s comments and did not make any amendments to the proposed rulemaking in response. The Commission is considering whether affirmative defenses similar to those existing in regard to video lottery would be appropriate in other regulated forms of gaming and, if so, will suggest a proposed rulemaking to address those concerns. With regard to the examples of minors on video lottery gaming floors, the Commission would retain discretion to determine whether a violation occurred. Only when it is determined that a violation occurred would the prescribed sanctions apply. For example, in the event the proposed rules were adopted, a minor quickly entering and exiting a gaming floor to use a restroom might, under the circumstances, not be charged as a violation at all. Similarly, an incident in which two minors accompany an adult on a gaming floor might, under the circumstances, be charged as one violation, which would result in one level of fine, not two levels concurrently, as NYGA suggests might be possible.

The second public comment was submitted jointly by the Food Industry Alliance of New York State, the Empire State Restaurant & Tavern Association, the Bodega Association of the United States, the New York State Association of Service Station and Repair Shops, the New York Association of Convenience Stores and the Long Island Gasoline Retailers Association (the “Joint Comment”). The Joint Comment stated that the proposed penalty structure for selling lottery tickets to minors seems to be reasonable. The Joint Comment opposed enforcement of the proposed penalties in regard to lottery vending machines until the Commission retrofits each lottery vending machine with an identification-card reader. The writers of the Joint Comment believed that it is too difficult to monitor a vending machine. The Joint Comment urges that a hearing process should afford lottery retailers an opportunity to defend themselves. The Joint Comment recommends that it be made unlawful for a person over the age of 18 to provide a lottery ticket to an underage customer. The Joint Comment states that language clarifying the meaning of the multiple-violation penalty structure would be beneficial. The Joint Comment states that the regulations should set forth which agency or agencies will be authorized to carry out underage lottery sale enforcement, that retailers should “know up-front what the rules of engagement are” and that an enforcement plan should be detailed and published for comment before put into practice.

The Commission considered the Joint Comment and did not make any amendments to the proposed rulemaking.

Improved technology would be useful to promote compliance in regard to lottery ticket vending machines, but is not necessary. Furthermore, the Commission would retain discretion to determine whether a violation had occurred at all in regard to a violation involving a lottery ticket vending machine.

With regard to hearings for lottery retailers, the Commission is considering whether affirmative defenses similar to those existing in regard to video lottery would be appropriate in other regulated forms of gaming and, if so, will suggest a proposed rulemaking to address that concern, which would include hearing procedures.

With regard to the provision of lottery tickets by purchasers who are over the age of 18 to underage persons, the legislature has made the policy choice that persons under the age of 18 may receive lottery tickets and be entitled to lottery prizes, see Tax Law § 1613(b) (providing for procedures for paying prizes to minors), even though lottery tickets may not be sold to persons under the age of 18. See Tax Law § 1610(a).

With regard to the multiple-violation penalty structure, the Commission believes that the intent is clear to measure the potential penalty for a subsequent violation from the time of the initial violation from which the time period is measured. For example, if violations occur on January 1, 2017, June 1, 2017 and April 1, 2018, to use the example in the Joint Comment, the January 1, 2017 violation would result in a written warning, the June 1, 2017 violation would result in a \$500 fine (as a second violation within one year of January 1, 2017) and the April 1, 2018 violation would result in a \$500 fine (as a second violation within one year of June 1, 2017). The Commission will consider the advisability of providing examples in written direction to retailers.

With regard to enforcement implementation, the Commission does not believe that the description of enforcement methods is an appropriate matter for regulation.

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Voidable Claims Based on Race Day Samples**

I.D. No. SGC-23-16-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 4038.19(a) and 4109.7(a) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19) and 301(1)

Subject: Voidable claims based on race day samples.

Purpose: To enhance the safety and integrity of horse racing while generating a reasonable return for government.

Text of proposed rule: Subdivision (a) of Section 4038.19 of 9 NYCRR would be amended as follows:

§ 4038.19. Certain voidable claims.

(a) [Post race] *Race-day* positive. Should the analysis of a [post-race] *race-day* blood or urine sample taken from a claimed horse result in a [post-race] positive test, or if the *race-day* test results of a previous race have not been cleared by the date of the claim and result in a [post-race]

positive test, the claimant's trainer shall be promptly notified by the stewards and the claimant shall have the option to void said claim within five days of such notice by [the claimant's] such trainer. An election to void a claim shall be submitted in writing to the stewards by the claimant or the claimant's trainer. In the event the claim is voided, the horse shall be returned to the owner of the horse who subjected the horse to claiming in the race from which the positive test resulted.

* * *

Subdivision (a) of Section 4109.7 of 9 NYCRR would be amended as follows:

§ 4109.7. Certain voidable claims.

(a) [Post-race] *Race-day* positive. Should the analysis of a [post-race] *race-day* blood or urine sample taken from a claimed horse result in a [post-race] positive test, or if the *race-day* test results of a previous race have not been cleared by the date of the claim and result in a positive test, the claimant's trainer shall be promptly notified in writing by the judges and the claimant shall have the option to void said claim within five days of receipt of such notice by such trainer. An election to void a claim shall be submitted in writing to the judges by the claimant or such claimant's trainer.

* * *

Text of proposed rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2), 104(1), (19), and 301(1). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Under Section 301, which applies to only harness racing, the Commission is authorized to supervise generally all harness race meetings.

2. Legislative objectives: To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and benefits: This rule making is necessary to amend the Commission's claiming rules to permit a claimant of any horse to void the claim when samples collected the day of the claiming race test positive for an impermissible drug administration. The rule making will also permit a claimant of a Standardbred horse to void the claim based on an equine drug positive in the race before the claiming race, when such positive test result is revealed only after the claiming race, as already permitted by the Commission's rules for Thoroughbred racing.

The current rules permit a claimant of a Thoroughbred or Standardbred horse to void a claim when samples collected from the horse after racing, called post-race samples, show in later laboratory testing that the claimed horse was raced in the claiming race in violation of Commission rules restricting the use of drugs and certain other substances in race horses. 9 NYCRR §§ 4038.19(a) and 4109.7(a). This permits a claimant to avoid owning a horse that was illegally drugged while under the care and control of the previous owner and trainer. Such illegal drugging can contribute to a false impression of the health and racing ability of the horse, key considerations that a prospective claimant considers before entering a claim for a horse. Allowing the claimant to void a claim when laboratory tests later reveal such impermissible drug use ensures greater fairness in the claiming transactions. It also serves as a disincentive to owners or trainers who might attempt to secure a higher price for a claiming horse by manipulating its health and performance with drugs. Such misconduct not only misrepresents the horse's condition, it sometimes endangers the health of the horse and other participants in the claiming race.

The Commission has adopted per se regulatory thresholds this year that apply to all samples collected on race day, even before the race. The positive test results based on such race-day samples should also permit a claimant to void a claim because of impermissible drug administrations to the claimed horse.

The proposal would amend the governing rules to allow a claimant to void a claim when any sample collected on race day, not just post-race samples, are later tested and demonstrate that the claimed horse was impermissibly drugged.

The proposal would also amend subdivision (a) of section 4109.7 to permit the claimant of a Standardbred horse to void a claim based on an equine drug positive from the race preceding the claiming race, when such positive drug test result is revealed only after the claiming race. The race before a claiming race is influential to prospective claimants, who should be able to void a claim, entered before the start of the next (claiming) race, upon learning only later that the prior race was misleading because of impermissible drug administrations to the horse.

This protection was extended to the claimants of Thoroughbred horses in 2006, and has worked well to provide additional protection to claimants and a further disincentive to those who might seek to manipulate horses with drugs.

Finally, the proposal makes various changes in style to clarify the rules.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new costs to the existing rules.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives. The Commission considered no alternatives to the adoption of this rule.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The amendments would permit a claimant, who currently can void a claim when post-race samples test positive after the claiming race, to void a claim when any race-day sample tests positive after the claiming race. The Commission recently adopted regulatory thresholds that apply to any sample collected on race day. The proposal will ensure that a claimant may void the claim of a drugged horse when such drugging is revealed by any test of the Commission.

The amendments would also update the Standardbred rule to correspond to the rule for Thoroughbred claims, by allowing a claimant to void a claim upon learning after the claiming race that the claimed horse in its preceding race was raced while drugged.

These amendments will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Criteria for the Licensing, Conduct and Operation of Independent Testing Laboratories

I.D. No. SGC-23-16-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 5318; and amendment of sections 5100.2 and 5118.6 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), 1303, 1326(1) and 1335(8); Lottery for Education Law (Tax Law, art. 34), section 1617-a(c)

Subject: Criteria for the licensing, conduct and operation of independent testing laboratories.

Purpose: To govern the licensing, conduct and operation, testing and reporting requirements of independent testing laboratories.

Substance of proposed rule (Full text is posted at the following State website: www.gaming.ny.gov): The addition of Part 5318 of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to prescribe rules requiring that gaming facility and video lottery facility licensees not operate any slot machine, video lottery gaming system or other gaming equipment unless such have been certified by a licensed independent testing laboratory. These rules also establish the standards for licensing and operating an independent testing laboratory as well as the required notification and reporting of inspection and certification results.

Section 5318.1 sets forth the requirement that a gaming facility licensee not operate any slot machine or other gaming equipment unless such has been certified by a licensed independent testing laboratory. Section 5318.2 sets forth licensing requirements for an independent testing laboratory. Section 5318.3 sets forth additional standards for the issuance of a license to an independent testing laboratory. Section 5318.4 sets forth notification and reporting requirements. Section 5318.5 sets forth requirements for the conduct and operation of a licensed independent testing laboratory. Section 5318.6 sets forth the reporting of inspection and certification results.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, Acting Secretary, New York State Gaming Commission, One Broadway Center, Schenectady, NY 12305, (518) 388-3407, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1303 authorizes the Commission to utilize the services of an independent testing laboratory that has been qualified and approved by the Commission to perform the testing of slot machines and other gaming equipment and to utilize applicable data.

Racing Law section 1326(1) requires the Commission to regulate the method and form of vendor licensing including the licensing of independent testing laboratories.

Racing Law section 1335(8) mandates the testing of all slot machines and other gaming equipment prior to being used to conduct gaming.

Lottery for Education Law (Article 34 of the Tax Law) section 1617-a(c) authorizes the Commission to promulgate rules and regulations that it deems necessary to carry out the implementation of video lottery gaming.

2. **LEGISLATIVE OBJECTIVES:** The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. **NEEDS AND BENEFITS:** The proposed rules implement the above listed statutory directives regarding the utilization of independent testing laboratories that are qualified and approved by the Commission to perform the testing of slot machines, video lottery gaming systems and other gaming equipment. The rules provide specificity with respect to the above listed statutory directives to assure a credible, independent and secure testing process for all games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems, mobile gaming systems and interactive gaming systems and any components thereof or modifications thereto. The rules represent best practices in the testing of slot machines, video lottery gaming systems and other gaming equipment and are the result of input from stakeholders and other gambling jurisdiction best practices and regulation. Best practices addressed in the proposed rules include the payment of independent testing laboratory service fees, licensing criteria, the conduct and operation of independent testing laboratories, notification and reporting requirements and inspection and certification results.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: Gaming facility and video lottery facility licensees are responsible for the payment of any fees imposed by an independent testing laboratory for services performed. Those fees will be approximately \$3 to \$4 million annually. Gaming facility and video lottery facility licensees or licensed independent testing laboratories are responsible for the payment of any costs associated with the Commission's review or approval of (i) slot machine, video lottery gaming system and other gaming equipment testing, and (ii) independent testing laboratory

inspection, certification or review. Those fees will be approximately \$500,000 to \$750,000 annually.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the gaming facility and video lottery facility licensees or licensed independent testing laboratories. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing and gaming activities within the State.

5. **LOCAL GOVERNMENT MANDATES:** There are no local government mandates associated with these rules.

6. **PAPERWORK:** These rules impose paperwork burdens on independent testing laboratories to apply for licensure, perform slot machine, video lottery gaming system and other gaming equipment testing and report on results. Examples of paperwork burdens on the independent testing laboratories include the drafting and maintenance of audits and reviews as well as inspection and certification results.

7. **DUPLICATION:** These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. These included the definition of associated equipment; the allocation and payment of independent testing laboratory fees; the best practices concerning conduct and operation of an independent testing laboratory; the appropriate entity to receive testing and certification results; the appropriate criteria included in the testing and certification results; and the best practices concerning reciprocity of independent testing laboratory results from other jurisdictions. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1303 and 1335(8).

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

These rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules set forth the requirement that gaming facility and video lottery facility licensees not operate slot machines, video lottery gaming systems or any other gaming equipment unless such have been certified by a licensed independent testing laboratory. These rules also establish the standards for licensing and operating an independent testing laboratory as well as the required notification and reporting of inspection and certification results. These rules apply only to licensed gaming facilities and video lottery facilities.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility or video lottery facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and solely apply to licensed gaming facilities and video lottery facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Thoroughbred Restricted Time Periods for Various Drugs

I.D. No. SGC-39-15-00005-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Amendment of section 4043.2(a) and (e) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19) and 122

Subject: Thoroughbred restricted time periods for various drugs.

Purpose: To enhance the integrity and safety of thoroughbred horse racing.
Text of revised rule: Section 4043.2 of 9 NYCRR would be amended as follows:

§ 4043.2. Restricted use of drugs, [medication] *medications* and other substances.

Drugs and medications are permitted to be used only in accordance with the following provisions.

(a) The following substances are permitted to be used at any time up to race time:

(1) topical applications (such as antiseptics, ointments, salves, [DMSO.] *DMSO* leg rubs, leg paints and liniments) which may contain antibiotics but do not contain benzocaine, steroids or other drugs;

(e) The following substances are permitted to be administered by any means until 48 hours before the scheduled post time of the race in which the horse is to compete:

(14) the following nonsteroidal anti-inflammatory drugs ([NSAID's] *NSAIDs*): [Phenylbutazone (e.g., Butazolidin)] *diclofenac*, [Flunixin] *flunixin* (e.g., Banamine), *ketoprofen* (e.g., *Orudis*), meclofenamic acid (e.g., Arquel), naproxen (e.g., Naprosyn, Equiproxen), [Ketoprofen (e.g., *Orudis*)] and *phenylbutazone* (e.g., Butazolidin).

(20) *an oral or intravenous administration of dimethyl sulfoxide (i.e., DMSO).*

Revised rule compared with proposed rule: Substantial revisions were made in section 4043.2(a)(1) and (e)(20).

Text of revised proposed rule and any required statements and analyses may be obtained from Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, PO Box 7500, Schenectady, NY 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law Sections 103(2), 104 (1), (19) and 122. Under Section 103(2), the Commission is responsible to supervise, regulate, and administer all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Section 122 continues previous rules and regulations of the legacy New York State Racing and Wagering Board, subject to the authority of the Commission to modify or abrogate such rules and regulations.

2. Legislative objectives: To enable the Commission to protect the integrity of pari-mutuel horse races and the health and safety of thoroughbred horses and human participants in pari-mutuel racing, while generating reasonable revenue for the support of government.

3. Needs and benefits: This revised rulemaking is necessary to adjust the Commission's restricted time period governing the administration of the drugs dimethyl sulfoxide, i.e., DMSO, and diclofenac, a non-steroidal anti-inflammatory drug ("NSAID"), to be consistent with the regulatory thresholds for the drugs that have been adopted by the Commission.

The proposal would amend the restricted time period for DMSO to permit the oral or intravenous administration of DMSO within 48 hours of a race. Currently, in 9 NYCRR, topical administration of DMSO is permitted at any time under Section 4043.2(a)(1) and other administrations of DMSO are not permitted until one week before a horse's next race under the restrictions of Section 4043.2(h). The Commission has adopted a regulatory threshold on race day for DMSO that is consistent with an oral or intravenous administration of DMSO at least 48 hours before a horse's next race. The proposed amendment would add such administrations of DMSO to the list, in subdivision (e) of Section 4043.2, of drugs that may be administered until 48 hours before racing. A 48-hour restricted time period for DMSO will also provide an assurance to thoroughbred horsepersons that compliance would protect them from violation of such threshold.

The Commission will continue to permit topical use of DMSO at any time. The most recent indications from the Racing Medication & Testing Consortium are that such administrations of DMSO will not result in violations of the new regulatory threshold.

The proposal would also amend subdivision (e) Section 4043.2 to add diclofenac to the list of permissible NSAIDs that appears at paragraph 14. This change will make the restricted time period for diclofenac, which

currently is regulated for one week before racing pursuant to subdivision (h) of Section 4043.2, consistent with the regulatory threshold that the Commission has adopted for diclofenac. A 48-hour restricted time period will provide an assurance to thoroughbred horsepersons that compliance would protect them from violation of such threshold.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: There are no new or additional costs imposed by this rule upon regulated persons. The rule merely revises an existing rule in regard to allowable time of administration of various medications.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: There are no costs imposed upon the Commission, the State, or local government. The rule will be implemented using the Commission's existing regulatory and medication testing program. There will be no costs to local governments because they do not regulate pari-mutuel racing activities.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The Commission has determined that no costs will be imposed based upon the fact that the rule does not create any new mandatory duty or obligation, utilizes an existing regulatory framework and medication testing program, and merely modifies a medication rule.

5. Local government mandates: None. The New York State Gaming Commission is the only governmental entity authorized to regulate pari-mutuel racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: None.

8. Alternatives. This rule amendment is to assure horsepersons that the Commission's restricted time periods are consistent with the separately proposed national regulatory laboratory thresholds for these equine drugs that have been recommended by the RMTC and the ARCI. No other alternatives were considered.

9. Federal standards: None.

10. Compliance schedule: Regulated persons will be able to achieve compliance with the rule upon publication of a Notice of Adoption in the New York State Register.

Revised Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

This rulemaking proposal does not necessitate a revision to the previously published analyses and statement and does not have an adverse effect on small businesses, local governments, jobs, or rural areas.

Assessment of Public Comment

Two public comments were received in response to the publication of the proposed rule-making in the September 30, 2015 State Register. The Racing Medication & Testing Consortium wrote to recommend that the Commission continue to permit topical use of DMSO at any time, and has indicated that it will be revising its recommended withdrawal guideline for topical use of DMSO from 48 hours before racing to race day. The New York Thoroughbred Horseman's Association wrote to request that race-day topical use of DMSO continue to be permitted. The Commission agrees with these suggestions and its revised proposal will result in greater ease of enforcement of agency rules that restrict the use of equine drugs in a manner that promotes the participation of racehorses in New York and enhances the health and safety of horses and jockeys.

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

School Immunization Requirements

I.D. No. HLT-23-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Subpart 66-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2164 and 2168

Subject: School Immunization Requirements.

Purpose: To update school immunization and NYSIS regulations.

Text of proposed rule: Paragraph (1) of Subdivision (f) of Section 66-1.1 is amended to read as follows:

(f) Fully immunized means that an adequate dosage and number of

doses of an immunizing agent licensed by the United States Food and Drug Administration has been received commensurate with the child's age, or the child has been demonstrated to have immunity as defined in [subdivision (g) of] this section.

(1) For those immunizations required by section 2164 of the Public Health Law only, the number of doses that a child [should] *shall* have at any given age, and the minimum intervals between these doses, [is determined by] *shall be in accordance with* the Advisory Committee on Immunization Practices Recommended Immunization Schedules for Persons Aged 0 through 18 Years, issued by the Advisory Committee on Immunization Practices (ACIP) as set forth in Morbidity and Mortality Weekly Reports (MMWR) [February 7, 2014 Volume 63 (No. 5)] *February 5, 2016 Volume 65 (No. 4)* and posted on the Centers for Disease Control and Prevention website at [<http://www.cdc.gov/vaccines/schedules/index.html>] <http://www.cdc.gov/vaccines/schedules>. The department will amend this section as necessary to reflect revised ACIP Recommended Immunization Schedules. Any child who completed an immunization series following minimum intervals prescribed in an ACIP Recommended Immunization Schedule pre-dating February [2014] *2016* shall continue to be deemed in compliance as long as the number of vaccine doses the child received conforms to the current ACIP Recommended Immunization Schedule.

The Advisory Committee on Immunization Practices Recommended Immunization Schedules for Persons Aged 0 through 18 Years issued by the ACIP as set forth in the MMWR [February 7, 2014 Volume 63 (No. 5)] *February 5, 2016 Volume 65 (No. 4)* is hereby incorporated by reference, with the same force and effect as if fully set forth at length herein. It is available for public inspection and copying at the Regulatory Affairs Unit, New York State Department of Health, Corning Tower, Empire State Plaza, Albany, New York 12237. Copies are also available from the United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Atlanta, Georgia 30333, and from the CDC website at [<http://www.cdc.gov/mmwr>] <http://www.cdc.gov/vaccines/schedules/>.

(i) For all vaccinations except as provided in subparagraphs (ii) through [(vi) of this paragraph] *vii below*, children shall be assessed upon school entry or attendance, and annually thereafter, and [be found to] be fully immunized commensurate with their age.

(ii) [If they had] *Any child who has* satisfied the immunization requirements in effect in regulation on June 30, 2014, [children] entering [eighth] *ninth* through twelfth grade (or comparable age level grade equivalents) in the [2015-2016] *2016-2017* school year only, shall be deemed in compliance with the immunization requirements set forth in this section, including those set forth in subparagraphs (iii) through (vi) below, until [they graduate] *such child graduates* from school; *provided, however, that such child shall comply with the meningococcal vaccination requirement set forth in subparagraph (vii) below.*

(iii) Any child entering or attending kindergarten through twelfth grade must have received the following vaccine doses, with the minimum intervals between these doses as established by the Advisory Committee on Immunization Practices Recommended Immunization Schedules for Persons Aged 0 through 18 Years incorporated by reference herein:

(a) Two adequate doses of measles containing vaccine, two adequate doses of mumps containing vaccine, and at least one adequate dose of rubella containing vaccine; and

(b) Five adequate doses of diphtheria and tetanus toxoids and acellular pertussis vaccine. If, however, the fourth dose of diphtheria and tetanus toxoids and acellular pertussis vaccine was given at forty-eight months of age or older, only four adequate doses of vaccine are required. The final dose of vaccine must be received no sooner than forty-eight months of age. Doses given after age seven should start with one dose of Tdap.

(iv) For poliomyelitis vaccination, beginning on or after July 1, 2014, children shall be assessed upon entry or attendance to kindergarten and sixth grade, and/or their equivalent grades, and must have received four adequate doses of poliomyelitis vaccine. If, however, the third adequate dose of poliomyelitis vaccine was given at forty-eight months of age or older, only three adequate doses of vaccine are required. The final dose of vaccine must be received no sooner than forty-eight months of age. As the students enrolling in kindergarten and sixth grade move up a grade level each year, the students enrolling in those higher grades, or grade equivalent, must be appropriately immunized against poliomyelitis. *Beginning on or after September 1, 2016, children shall be assessed upon entry or attendance to child-caring centers, day-care agencies, nursery schools and pre-kindergarten programs and must be fully immunized against poliomyelitis commensurate with their age.*

(v) For varicella vaccination, beginning on and after July 1, 2014, children shall be assessed upon entry or attendance to kindergarten and sixth grade, and/or their equivalent grades, and must have received two adequate doses of vaccine. As the students enrolling in kindergarten and

sixth grade move up a grade level each year, the students enrolling in those higher grades, or grade equivalent, must be appropriately immunized against varicella.

(vi) By entry to sixth grade or a comparable age level grade equivalent, any child eleven years of age or older must have received one dose of a booster immunization containing tetanus and diphtheria toxoids and acellular pertussis vaccine.

(vii) *For meningococcal vaccination, beginning on and after September 1, 2016, children shall be assessed upon entry or attendance to seventh grade, or a comparable age level grade equivalent, and must have received one adequate dose of vaccine upon such entry or attendance. Children shall be assessed upon entry or attendance to twelfth grade, or a comparable age level grade, and must have received two adequate doses of meningococcal vaccine upon such entry or attendance. If, however, the first dose of meningococcal vaccine was given at sixteen years of age or older, then only one adequate dose of meningococcal vaccine is required for twelfth grade.*

Paragraph (6) of subdivision (a) of section 66-1.2 is amended to read as follows:

(6) Registrants shall mean all individuals for whom an immunization or exemption to immunization *or blood lead analysis* is recorded in the system, at any time following January 1, 2008 for NYSIS and January 1, 1994 for the CIR. Registrants also include individuals born in New York State (outside of New York City) on or after January 1, 2004 for NYSIS or born in New York City on or after January 1, 1996 for the CIR.

Paragraph (8) of subdivision (a) of section 66-1.2 is amended to read as follows:

(8) Authorized users of NYSIS and the CIR shall mean the following categories of users, who are permitted access only to records of registrants falling within their administrative or clinical responsibilities. An authorized user in a category below may designate the ability to access the system to others where indicated.

(i) health care providers who order an immunization, and their designees, including Regional Health Information Organizations or other Health Information Technology entities as defined in 18 NYCRR section 504.9(h)(2);

(ii) local health districts;

(iii) commissioners of local social services districts and their designees;

(iv) the Commissioner of the Office of Children and Family Services and his/her designees;

(v) schools;

(vi) third party payers;

(vii) WIC programs;

(viii) colleges;

(ix) professional and technical schools; [and]

(x) children's overnight camps and summer day camps[.];

(xi) *registered professional nurses; and*

(xii) *pharmacists authorized to administer immunizations pursuant to subdivision two of section sixty-eight hundred one of the Education Law.*

Paragraph (1) of subdivision (b) of section 66-1.2 is amended to read as follows:

(b) Mandated Reporting

(1) Mandated reporters to NYSIS and the CIR include any health care provider, as defined in [paragraph (a)(3) of this] section 66-1.2 who administers an immunization *or conducts a blood lead analysis of a sample.*

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

Statutory Authority:

The authority for school entry immunization requirements resides in Title 6 of Article 21 of the Public Health Law (PHL): Poliomyelitis and Other Diseases. PHL § 2164 mandates the vaccination of children between the ages of two months and eighteen years as a condition of entry or attendance to school. PHL § 2164(10) authorizes the commissioner to promulgate regulations to effectuate the provisions and purposes of PHL § 2164.

The authority for the statewide immunization information system is PHL § 2168, which establishes the New York State Immunization Information System (NYSIS). PHL § 2168(13) authorizes the commissioner to promulgate regulations to effectuate the provisions of PHL § 2168.

Legislative Objectives:

The legislative objective of PHL § 2164 includes the protection of the health of residents of the state by assuring that children are immunized according to current recommendations before attending child-caring centers, day care agencies, nursery schools, pre-kindergarten, or school, to prevent the transmission of vaccine preventable disease and accompanying morbidity and mortality. The legislative objective of PHL § 2168 is to establish a comprehensive database of complete, accurate and secure immunization records.

Needs and Benefits:

The purpose of the proposed regulatory changes is to update the existing school immunization requirements to ensure that children entering grades seven and twelve (or comparable age level equivalents) receive an adequate number of meningococcal vaccines consistent with recent statutory amendments; to ensure that children entering or attending child-caring centers, day-care agencies, nursery schools, or pre-kindergarten programs receive an adequate number of poliomyelitis vaccines; and to conform the regulations for the New York State Immunization Information System (NYSIIS) to statutory amendments.

In October 2015, Governor Andrew M. Cuomo signed into law Chapter 401 of the Laws of 2015, which amended PHL § 2164 to require vaccination against meningococcal disease for children entering or attending seventh and twelfth grades on or after September 1, 2016. Meningococcal meningitis is a serious disease, which can lead to death within hours. Survivors may be left with severe disabilities, including the loss of limbs, cognitive deficits, paralysis, deafness, or seizures. ACIP provides immunization advice and guidance to the Director of the Centers for Disease Control and Prevention (CDC), and recommends that a single dose of vaccine against meningococcal serogroups A, C, W, and Y (MenACWY vaccine) be administered to all adolescents at 11 or 12 years of age, followed by a booster at 16 years of age (recommendation Category A, for all persons in an age-or risk-factor based group). ACIP recommends that adolescents who received their first dose of MenACWY vaccine at age 13 through 15 years receive a booster dose at age 16 through 18 years, with a minimum interval of 8 weeks between doses, and that healthy adolescents who receive the first dose of MenACWY on or after their sixteenth birthday do not need a booster dose.¹

In order to conform to the statutory amendment and be consistent with ACIP recommendations, the proposed regulatory change would require one dose of MenACWY vaccine for seventh grade and a second dose for twelfth grade, unless the first dose was received at sixteen years of age or older in which case only one dose will be required. Of note, the exemption set forth in Section 66-1.1(f)(1)(ii), which would deem children entering the ninth through twelfth grades (or comparable age equivalents) in the 2016-2017 school year in compliance with the immunization requirements provided they were in compliance with the immunization regulations in effect on June 30, 2014, would not apply to this new meningococcal vaccine requirement. This exemption was only intended to address new vaccine interval requirements, which began in the 2014-2015 school year, and was not intended to exempt this cohort of students from future vaccination requirements.

ACIP recommends that persons identified as being at increased risk because of an outbreak of serogroup B meningococcal disease should receive serogroup B meningococcal vaccine (MenB vaccine, recommendation Category A).² ACIP further recommends that a MenB vaccine series may be administered to adolescents and young adults 16 through 23 years of age (recommendation Category B, for individual clinical decision making).³ Because MenB vaccine is not universally recommended for all adolescents at this time, the proposed regulatory change would not require MenB vaccine for school entry or attendance. However, the New York State Commissioner of Health, or his or her designee, or in the City of New York, the Commissioner of Health of the New York City Department of Health and Mental Hygiene, would have the authority pursuant to Section 66-1.10 to order the appropriate school officials to exclude from attendance students who have not been immunized with MenB vaccine in the event of an outbreak of serogroup B meningococcal disease. In the event of such outbreak, the state and local health departments would work closely with schools to identify students who have not been immunized with MenB vaccine.

Paragraph (1) of Subdivision (f) of Section 66-1.1 was amended in 2014 to update poliomyelitis vaccination requirements, reflecting the ACIP recommended doses and intervals between doses. Prior to 2014, students were required to have three doses of poliomyelitis vaccine, at any interval. The 2014 regulatory amendments applied to children entering or attending kindergarten and sixth grade in the 2014-2015 school year, and as the students in those grades moved up a grade level each year, the students enrolling in those higher grades must also be appropriately immunized against poliomyelitis in accordance with the ACIP recommended numbers of doses and intervals between doses. However, the multi-year phase-in of the poliomyelitis interval requirements adopted in 2014 did not cover children entering or attending child-caring centers, day-care agencies, nursery

schools or prekindergarten programs, who were still required to have three doses of poliomyelitis vaccine, but were not required to have intervals between doses in accordance with the ACIP schedule.

In order to ameliorate this situation, the proposed regulatory change would require that children entering or attending child-caring centers, day-care agencies, nursery schools and pre-kindergarten programs are vaccinated against poliomyelitis commensurate with their age in accordance with the ACIP-recommended doses and intervals. The age-appropriate number of doses for children in child-caring centers, day-care agencies, nursery schools and pre-kindergarten programs is three doses by 18 months of age, unchanged from the previous requirements; however, the intervals between doses of poliomyelitis vaccine for these children must now be in accordance with the ACIP schedule.

Finally, the proposed amendments would add registered professional nurses and pharmacists authorized to administer immunizations pursuant to Education Law Section 6801(2) as authorized users of NYIIS consistent with recent amendments to PHL § 2168 (Ch. 420 of the Laws of 2014), and to reflect the blood lead reporting mandate in Public Health Law § 2168 (Ch. 58 of the Laws of 2009).

Costs to State Government including the Department of Health:

The CDC has estimated that routine childhood immunizations resulted in a twenty-year cost savings of approximately \$295 billion in direct costs and \$1.38 trillion in societal costs from 1994 through 2013 and that every dollar spent on immunization saves at least ten dollars in aggregate societal costs.⁴ Potential savings to Medicaid and other payers are also expected as a result of the prevention of cases of disease.

ACIP has recommended routine MenACWY vaccination of adolescents aged 11 to 12 years for over ten years, and has recommended a booster dose at 16 years of age for nearly 5 years. Current immunization coverage data suggests that most students entering grade seven in September 2016 will already meet the new MenACWY vaccine requirement, however, many adolescents entering grade twelve will need a booster dose in order to meet the new requirements. According to the 2014 National Immunization Survey-Teen (NIS-Teen), 78% ($\pm 2.5\%$) of 13 year olds in the United States had received one dose of MenACWY in 2014, but only 28.5% ($\pm 2.8\%$) of 17 year olds had received a booster dose on or after 16 years of age.⁵ The latter estimate does not include adolescents who received a first dose on or after 16 years of age and who will not require a booster in order to meet NYS requirements.

The Vaccines for Children Program (VFC), a federal entitlement program, provides MenACWY vaccine for eligible adolescents. In addition, Section 317 of the Public Health Service Act supports purchase of vaccine for administration at no cost to certain eligible children, and also supports immunization delivery, surveillance, communication and education. Commercial health insurance, the VFC Program, and the "317 grant" will cover the cost of most of the doses of MenACWY vaccine required for grades seven and twelve. The State, however, may be required to use additional funds for the purchase and administration of vaccine to meet the new MenACWY vaccine requirements for those individuals who are underinsured or who participate in the State Children's Health Insurance Program (SCHIP).

The Department will need to provide education on and promote awareness of the regulatory changes. The Department has contact information for all schools and healthcare providers in New York State, and currently communicates with schools and healthcare providers across the state on a regular basis. The new school immunization requirements and the resultant need for education of schools and healthcare providers will not be a burden to the State as this communication takes place on a frequent basis already.

Costs to Local Governments:

School staff already collect immunization records and ensure that students comply with school entry requirements. Under the proposed regulations, schools will have to add MenACWY vaccine to their information collection protocols. School staff will be responsible for assuring that students entering or attending grades seven and twelve are in compliance with the new MenACWY vaccine requirements. Administrative procedures already in place could be utilized to notify students of the MenACWY vaccine requirement and to notify deficient students of the need to comply. Given that schools are already checking, recording, and notifying students of the vaccine requirements and their need to comply, the costs of implementing these proposed regulations will likely be minimal.

Additional costs of the administration of MenACWY vaccine by local health departments to meet the new requirements will likely be incurred. A substantial portion of the costs of operating county health departments' clinic services will be eligible for reimbursement through State public health local assistance or from third party payers. MenACWY vaccine will be available through the VFC Program for eligible adolescents, and will be reimbursed through health insurance plans for children enrolled in commercial health insurance.

Costs to Private Regulated Parties:

It is possible that the proposed regulations will prompt an initial increase in patient flow to catch up adolescents in accordance with the new MenACWY vaccine requirements. This could require some additional staffing time and office hours to accommodate these patients, but any additional visits would be eligible for reimbursement from payers. It is likely, however, that after this initial phase, no further cost will be incurred by private parties.

Local Government Mandates:

The revised school entry regulations will not impose any additional mandates on local governments or school districts. NYS school districts are already required by PHL § 2164 to verify all students' immunization histories.

Paperwork:

Since schools are already required to maintain student immunization records, there will be no increase in their paperwork.

Duplication:

No relevant rules or other legal requirements of the State and/or federal government exist that duplicate, overlap or conflict with this rule.

Alternatives:

No alternatives were considered given that other alternatives would only result in inconsistencies with national immunization policy and good medical practice.

Federal Standards:

In the United States, all school entry immunization laws are created by individual states. There is no federal standard with regard to school entry immunization regulations.

Compliance Schedule:

The regulations will be effective upon publication of a Notice of Adoption in the New York State Register, and all children must satisfy the immunization requirements of the proposed school entry regulations on and after September 1, 2016.

¹ Centers for Disease Control and Prevention. Prevention and Control of Meningococcal Disease. Morbidity and Mortality Weekly Report (MMWR). 2013; 62(RR02): 1-28.

² Centers for Disease Control and Prevention. Use of Serogroup B Meningococcal Vaccines in Persons Aged ≥ 10 Years at Increased Risk for Serogroup B Meningococcal Disease: Recommendations of the Advisory Committee on Immunization Practices. MMWR. 2015; 64(22): 608-612.

³ Centers for Disease Control and Prevention. Use of Serogroup B Meningococcal Vaccines in Adolescents and Young Adults: Recommendations of the Advisory Committee on Immunization Practices, 2015. MMWR. 2015; 64(41): 1171-1176.

⁴ Centers for Disease Control and Prevention. Benefits from Immunization During the Vaccines for Children Program Era – United States, 1994-2013. MMWR. 2014; 63(16): 352-355.

⁵ Centers for Disease Control and Prevention. National, Regional, State, and Selected Local Area Vaccination Coverage Among Adolescents Aged 13-17 Years – United States, 2014. MMWR. 2015; 64(29): 784-792.

Regulatory Flexibility Analysis

Effect of Rule:

Any facility defined as a school pursuant to PHL § 2164 will be required to comply. Schools that are affected by this rule will include approximately: 1,719 public, private, or parochial child care centers; 11,169 day cares and Head Starts; 551 nursery schools; 2,166 schools with students in grade 7; and 1,416 schools with students in grade twelve.

Compliance Requirements:

All schools must document the immunization status of all students who are entering or attending their facility, including immunizations received, history of disease, serology performed, and medical or religious exemptions to said immunizations.

The approximate number of students are as follows: 118,372 in public, private, or parochial child-caring centers; 231,340 in day cares and Head Starts; 32,358 in nursery schools; 232,206 in grade seven; and 162,152 in grade twelve. However, because schools were already required to collect immunization information, the burden of compliance with this new rule is substantially minimized.

Professional Services:

Schools are already required to comply with immunization requirements for entering and attending students and, therefore, immunization record retrieval already occurs with necessary follow-up, if applicable. It is not anticipated that schools will need to hire additional staff to meet this requirement.

Compliance Costs:

The cost to schools to meet the requirements of the proposed regulation is estimated to be minimal, because schools are already required to inspect vaccination records of all students and appropriate vaccination of the

student body may result in cost savings. Specifically, it is anticipated that any costs incurred to check vaccination records will be offset by savings in direct medical costs by reducing vaccine preventable disease transmission among students, as well as savings in indirect costs associated with student and school staff absenteeism.

LHDs may incur costs for the administration of MenACWY vaccine. However, MenACWY vaccine will be available free of cost through the VFC Program for eligible adolescents, and vaccine costs and administration fees will be reimbursed through health insurance plans for children enrolled in commercial health insurance.

Economic and Technological Feasibility:

This proposal is economically and technologically feasible. Many schools currently have read-only access to retrieve immunization information from the New York State Immunization Information System (NYSIIS) for students outside of NYC, and the Citywide Immunization Registry (CIR) for students within NYC. Because schools have direct read-only access to the consolidated immunization record through NYSIIS or the CIR, they are able to efficiently identify children at risk for vaccine preventable diseases secondary to their under-immunization, which is critical during outbreak situations. In addition, access to this information simplifies assessment of immunization coverage as required for school entry or attendance.

No software needs to be purchased and no other fees are required to access the web-based systems. Using electronic tools for student record immunization queries also results in a significant cost savings when compared to the effort required to collect and analyze the volume of paper immunization histories provided by parents to the school.

Minimizing Adverse Impact:

Many, if not all schools, already have mechanisms in place to verify immunization requirements.

Small Business and Local Government Participation:

The New York City Department of Health and Mental Hygiene (DOHMH) and New York State Education Department (NYSED) were solicited for comments on the regulations. DOHMH is a large local government jurisdiction representing nearly half of children in New York State, and NYSED oversees prekindergarten through grade 12 programs in New York State. Both DOHMH and NYSED expressed support for the proposed regulatory changes.

Rural Area Flexibility Analysis

Pursuant to Section 202-bb of the State Administrative Procedure Act (SAPA), a rural area flexibility analysis is not required. These provisions apply uniformly throughout New York State, including all rural areas.

The proposed rule will not impose an adverse economic impact on rural facilities defined within PHL Articles 28, 36, or 40.

Job Impact Statement

A Job Impact Statement is not included in accordance with Section 201-a(2) of the State Administrative Procedure Act (SAPA), because it will not have a substantial adverse effect on jobs and employment opportunities.

Public Service Commission

NOTICE OF ADOPTION

Low Income Program Modifications

I.D. No. PSC-24-15-00011-A

Filing Date: 2016-05-20

Effective Date: 2016-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving low income program modifications and directed utilities to make filings to implement the framework.

Statutory authority: Public Service Law, sections 4(1) and 66(1)

Subject: Low income program modifications.

Purpose: To approve low income program modifications and direct utilities to make filings to implement the framework.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving modifications for the low income programs to address energy affordability for low income utility customers and directed Central Hudson Gas and Electric Corp., Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., National Fuel Gas Distri-

bution Corp., Brooklyn Union Gas Co. d/b/a National Grid NY, KeySpan Gas East Corp. d/b/a National Grid, Niagara Mohawk Power Corp. d/b/a National Grid, New York State Electric and Gas Corp., and Rochester Gas and Electric Corp. to make filings to implement the framework, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-M-0565SA1)

NOTICE OF ADOPTION

Ratemaking, Rate Design and Regulatory Practices

I.D. No. PSC-33-15-00008-A

Filing Date: 2016-05-19

Effective Date: 2016-05-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC issued an order adopting a ratemaking and utility revenue model policy framework.

Statutory authority: Public Service Law, sections 4(1) and 66(1)

Subject: Ratemaking, rate design and regulatory practices.

Purpose: To adopt a ratemaking and utility revenue model policy framework.

Substance of final rule: The Commission, on May 19, 2016, issued an order adopting a ratemaking and utility revenue model policy framework, and directed Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric and Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation to file a system efficiency proposal, providing directional guidance for long-term reform to the utility business model, by December 1, 2016, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-M-0101SA13)

NOTICE OF ADOPTION

Issuance of Long-Term Debt

I.D. No. PSC-40-15-00013-A

Filing Date: 2016-05-19

Effective Date: 2016-05-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to issue up to \$2.07 billion of long-term debt, in one or more transactions, no later than March 31, 2020.

Statutory authority: Public Service Law, section 69

Subject: Issuance of long-term debt.

Purpose: To authorize National Grid to issue up to \$2.07 billion of long-term debt.

Substance of final rule: The Commission, on May 19, 2016, adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National

Grid to issue up to \$2.07 billion of long-term debt, comprised of up to \$1.94 billion of new long-term debt and up to \$429.5 million of debt to refinance its existing auction rate debt, in one or more transactions, no later than March 31, 2020, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0509SA1)

NOTICE OF ADOPTION

Tariff Amendments to SC No. 2 Contained in P.S.C. No. 214 — Electricity

I.D. No. PSC-47-15-00009-A

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (NMPC) tariff amendments to Service Classification (SC) No. 2 contained in P.S.C. No. 214 — Electricity.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments to SC No. 2 contained in P.S.C. No. 214 — Electricity.

Purpose: To approve NMPC's tariff amendments to SC No. 2 contained in P.S.C. No. 214 — Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff amendments to Service Classification No. 2 — Street Lighting - Unmetered Company Owned/Company Maintained Facility to incorporate LED options in its street lighting schedule P.S.C. No. 214 — Electricity, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0645SA1)

NOTICE OF ADOPTION

Waiver to Normalize Certain Customer Service Measure Results

I.D. No. PSC-47-15-00014-A

Filing Date: 2016-05-20

Effective Date: 2016-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order denying New York State Electric and Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation's (RG&E) petition for a waiver to normalize certain customer service measure results.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver to normalize certain customer service measure results.

Purpose: To deny NYSEG and RG&E's petition for a waiver to normalize certain customer service measure results.

Substance of final rule: The Commission, on May 19, 2016, adopted an

order denying New York State Electric and Gas Corporation and Rochester Gas and Electric Corporation's petition for a waiver to normalize the results of the measure of Estimated Meter Reads for February 2015, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0649SA1)

NOTICE OF ADOPTION

Incremental CapEx Petition

I.D. No. PSC-03-16-00006-A

Filing Date: 2016-05-19

Effective Date: 2016-05-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file amendments to the tariff leaves attached to its Incremental CapEx Petition.

Statutory authority: Public Service Law, section 66

Subject: Incremental CapEx Petition.

Purpose: To direct National Grid to file amendments to the tariff leaves attached to its Incremental CapEx Petition.

Substance of final rule: The Commission, on May 19, 2016, adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file amendments to the tariff leaves attached to its Incremental CapEx Petition, to use accumulated deferred credits associated with both its electric and gas operations to offset a portion of the revenue requirement associated with its proposed expenditures for its operations over its fiscal years of 2017 and 2018, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0744SA1)

NOTICE OF ADOPTION

Long-Term Loan Agreement

I.D. No. PSC-09-16-00003-A

Filing Date: 2016-05-20

Effective Date: 2016-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Fishers Island Water Works Corporation's (Fishers Island) petition to enter into a long-term loan agreement with Bank Rhode Island up to \$358,000, no later than July 31, 2016.

Statutory authority: Public Service Law, section 89-f

Subject: Long-term loan agreement.

Purpose: To approve Fishers Island's petition to enter into a long-term loan agreement with Bank Rhode Island.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving Fishers Island Water Works Corporation's petition to enter into a long-term loan agreement with Bank Rhode Island up to

\$358,000 of principal debt, no later than July 31, 2016, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0063SA1)

NOTICE OF ADOPTION

Amendments to DLM Programs, Contained in P.S.C. No. 220 — Electricity

I.D. No. PSC-10-16-00007-A

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) amendments to Dynamic Load Management (DLM) Programs, contained in P.S.C. No. 220 — Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to DLM Programs, contained in P.S.C. No. 220 — Electricity.

Purpose: To approve National Grid's amendments to DLM Programs, contained in P.S.C. No. 220 — Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's amendments to Dynamic Load Management Programs, contained in P.S.C. No. 220 — Electricity, and directed the company to file further revisions to effectuate the changes, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0189SA2)

NOTICE OF ADOPTION

Amendments to DLM Programs, Contained in P.S.C. No. 15 — Electricity

I.D. No. PSC-10-16-00008-A

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) amendments to Dynamic Load Management (DLM) Programs, contained in P.S.C. No. 15 — Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to DLM Programs, contained in P.S.C. No. 15 — Electricity.

Purpose: To approve Central Hudson's amendments to DLM Programs, contained in P.S.C. No. 15 — Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an

order approving Central Hudson Gas and Electric Corporation's amendments to Dynamic Load Management Programs, contained in P.S.C. No. 15 — Electricity, and directed the company to file further revisions to effectuate the changes, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0186SA2)

NOTICE OF ADOPTION

Amendments to DLM Programs, Contained in P.S.C. No. 19 — Electricity

I.D. No. PSC-10-16-00009-A

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) amendments to Dynamic Load Management (DLM) Programs, contained in P.S.C. No. 19 — Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to DLM Programs, contained in P.S.C. No. 19 — Electricity.

Purpose: To approve RG&E's amendments to DLM Programs, contained in P.S.C. No. 19 — Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving Rochester Gas and Electric Corporation's amendments to Dynamic Load Management Programs, contained in P.S.C. No. 19 — Electricity, and directed the company to file further revisions to effectuate the changes, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0190SA2)

NOTICE OF ADOPTION

Issuance and Sale of Unsecured Debt

I.D. No. PSC-10-16-00011-A

Filing Date: 2016-05-20

Effective Date: 2016-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order authorizing Consolidated Edison Company of New York, Inc. (Con Edison) to issue and sell up to \$5.2 billion of unsecured debt in one or more transactions, no later than December 31, 2019.

Statutory authority: Public Service Law, section 69

Subject: Issuance and sale of unsecured debt.

Purpose: To authorize Con Edison to issue and sell up to \$5.2 billion of unsecured debt.

Substance of final rule: The Commission, on May 19, 2016, adopted an order authorizing Consolidated Edison Company of New York, Inc. to issue and sell up to \$5.2 billion of unsecured debt in one or more transac-

tions, no later than December 31, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(16-M-0020SA1)

NOTICE OF ADOPTION

Tariff Amendments to P.S.C. No. 10—Electricity

I.D. No. PSC-10-16-00012-A

Filing Date: 2016-05-19

Effective Date: 2016-05-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Ed) tariff amendments to P.S.C. No. 10—Electricity.

Statutory authority: Public Service Law, sections 39, 47 and 66(12)

Subject: Tariff amendments to P.S.C. No. 10—Electricity.

Purpose: To approve Con Ed's tariff amendments to P.S.C. No. 10—Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to P.S.C. No. 10 — Electricity, to revise its method of calculating capacity changes for customers billed under Rider M – Day-Ahead Hourly Pricing, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(16-E-0086SA1)

NOTICE OF ADOPTION

Amendments to DLM Programs, Contained in P.S.C. No. 120 — Electricity

I.D. No. PSC-10-16-00013-A

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) amendments to Dynamic Load Management (DLM) Programs, contained in P.S.C. No. 120 — Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to DLM Programs, contained in P.S.C. No. 120 — Electricity.

Purpose: To approve NYSEG's amendments to DLM Programs, contained in P.S.C. No. 120 — Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving New York State Electric and Gas Corporation's amendments to Dynamic Load Management Programs, contained in P.S.C. No. 120 — Electricity, and directed the company to file further revisions to effectuate the changes, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0188SA2)

NOTICE OF ADOPTION

Amendments to DLM Programs, Contained in P.S.C. No. 3 — Electricity

I.D. No. PSC-10-16-00014-A

Filing Date: 2016-05-23

Effective Date: 2016-05-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) amendments to Dynamic Load Management (DLM) Programs, contained in P.S.C. No. 3 — Electricity.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to DLM Programs, contained in P.S.C. No. 3 — Electricity.

Purpose: To approve O&R's amendments to DLM Programs, contained in P.S.C. No. 3 — Electricity.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving Orange and Rockland Utilities, Inc.'s amendments to Dynamic Load Management Programs, contained in P.S.C. No. 3 — Electricity, and directed the company to file further revisions to effectuate the changes, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0191SA2)

NOTICE OF ADOPTION

Emergency Rule

I.D. No. PSC-10-16-00016-A

Filing Date: 2016-05-20

Effective Date: 2016-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving the emergency order issued on February 23, 2016 on a permanent basis.

Statutory authority: Public Service Law, sections 89-b and 89-c(2)

Subject: Emergency rule.

Purpose: To approve the emergency rule on a permanent basis.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving the emergency Order Commencing Proceeding and Requiring Emergency Action, filed on February 23, 2016, on a permanent basis, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0079SA1)

NOTICE OF ADOPTION

Property Lease Agreement

I.D. No. PSC-11-16-00019-A

Filing Date: 2016-05-19

Effective Date: 2016-05-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 5/19/16, the PSC adopted an order approving New York State Gas and Electric Corporation's (NYSEG) petition to enter into a property lease agreement with Columbia Memorial Hospital (Columbia).

Statutory authority: Public Service Law, section 70

Subject: Property lease agreement.

Purpose: To approve NYSEG's petition to enter into a property lease agreement with Columbia.

Substance of final rule: The Commission, on May 19, 2016, adopted an order approving New York State Gas and Electric Corporation's petition to enter into a property lease agreement with Columbia Memorial Hospital, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0018SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-23-16-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by 135 West 52nd Street Condominium, to submeter electricity at 135 West 52nd Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent to submeter electricity at 135 West 52nd Street, New York, New York.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by 135 West 52nd Street Condominium on May 6, 2016, to submeter electricity at 135 West 52nd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0265SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Assets and Dissolution of Birch Hill Water Company Inc.

I.D. No. PSC-23-16-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition of Birch Hill Water Company Inc. to transfer its assets to the Town of Southeast and to dissolve the company.

Statutory authority: Public Service Law, sections 89-h and 108

Subject: Transfer of assets and dissolution of Birch Hill Water Company Inc.

Purpose: To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.

Substance of proposed rule: The Commission is considering a petition, filed by Birch Hill Water Company Inc. requesting authorization to transfer its assets to the Town of Southeast, discontinue water service and dissolve the company. The Commission may adopt, reject or modify, in whole or in part, the petition proposed and may resolve related issues.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: John.Pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0311SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Minor Water Rate Filing

I.D. No. PSC-23-16-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Pheasant Hill Water Corporation to increase its rates by approximately \$66,325 or 126% to become effective October 1, 2016.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor water rate filing.

Purpose: To consider an increase in Pheasant Hill Water Corporation's annual water revenues by approximately \$66,325 or 126%.

Substance of proposed rule: The Commission is considering a proposal filed by Pheasant Hill Water Corporation (Pheasant Hill or the Company) to increase its total annual revenues by approximately \$66,325 or 126% with an effective date of October 1, 2016. Pheasant Hill provides flat rate water service to 49 customers in the Pheasant Hill real estate subdivision in the Town of Minisink, Orange County. Public fire protection service is not provided. The Company states the rate increase is necessary due to an increase in property taxes since the current rates went into effect on October 1, 2014. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0302SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notification Concerning Tax Refunds

I.D. No. PSC-23-16-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The PSC is considering Verizon New York Inc.'s petition seeking the retention of a portion of a property tax refund received from the City of New York in relation to its regulated, intrastate New York operations during the 2015-2016 tax year.

Statutory authority: Public Service Law, section 113(2)

Subject: Notification concerning tax refunds.

Purpose: To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.

Substance of proposed rule: The Commission is considering Verizon New York Inc.'s request to retain the portion of a property tax refund received from the City of New York that is allocable to Verizon's regulated, intrastate New York operations. Verizon proposes to retain such tax refund in accordance with earlier Commission Orders involving previous Verizon tax refunds. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-C-0298SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Area Code Overlay

I.D. No. PSC-23-16-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Neustar Inc., in its role as the North American Numbering Plan Administrator to add a new area code within the current 518 area code.

Statutory authority: Public Service Law, section 97(2)

Subject: Area Code Overlay.

Purpose: To consider an area code overlay in the current 518 area code.

Substance of proposed rule: The Commission is considering a petition filed by Neustar Inc., in its role as the North American Numbering Plan Administrator to add a new area code within or adjacent to the current 518 area code that serves parts of Upstate New York including Albany, Saratoga and Plattsburgh. Neustar's proposal would overlay a new area

code over the current 518 area code, and would result in required 10-digit dialing for those with numbers in the current 518 and new area code. The reason for Neustar's request is a projection that indicates the current 518 area code will be exhausted in the first quarter of 2019. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-C-0297SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Acquisition of All of the Assets of Beaver Dam Lake Water Corporation

I.D. No. PSC-23-16-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering a Joint Petition filed May 11, 2016 by New York American Water Company, Inc. and Beaver Dam Lake Water Corporation for acquisition of all assets of Beaver Dam Lake Water Corporation.

Statutory authority: Public Service Law, sections 4(1), 5(1), 89-c(1), (10) and 89-h(1)

Subject: Acquisition of all of the assets of Beaver Dam Lake Water Corporation.

Purpose: To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.

Substance of proposed rule: The Public Service Commission is considering a Joint Petition filed May 11, 2016 by New York American Water Company, Inc. (NYAW) and Beaver Dam Lake Water Corporation (Beaver Dam) for approval of an Agreement of Sale under which Beaver Dam Lake Water Corporation will sell and New York American Water Company, Inc. will acquire 100% of the assets of Beaver Dam Lake Water Corporation. Beaver Dam provides metered water service to 155 homes in the Towns of New Windsor and Cornwall in Orange County, New York. NYAW proposes, upon closing of sale, installation of Commission approved meters along with updates to and relocation of water mains to improve customer service quality and reliability. These modifications would be funded through NYAW's Capital Budget. Current customers of Beaver Dam would potentially be placed under the Lynbrook District Tariff, resulting in multiple benefits. Transition to the Lynbrook Tariff would be a more cost effective and efficient method for the customer transition and would allow for ultimately lower rates. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0284SP1)

Department of Taxation and Finance

NOTICE OF ADOPTION

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-10-16-00002-A

Filing No. 504

Filing Date: 2016-05-20

Effective Date: 2016-05-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period April 1, 2016 through June 30, 2016.

Text or summary was published in the March 9, 2016 issue of the Register, I.D. No. TAF-10-16-00002-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Tax Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: tax.regulations@tax.ny.gov

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

NOTICE OF ADOPTION

Metropolitan Transportation Business Tax Surcharge

I.D. No. TAF-13-16-00005-A

Filing No. 502

Filing Date: 2016-05-20

Effective Date: 2016-06-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 9 to Title 20 NYCRR.

Statutory authority: Tax Law, subdivision First of section 171 and subdivision First of section 209-B; L. 2014, ch. 59, part A, section 7

Subject: Metropolitan Transportation Business Tax Surcharge.

Purpose: To provide metropolitan transportation business tax rate for tax year 2016.

Text or summary was published in the March 30, 2016 issue of the Register, I.D. No. TAF-13-16-00005-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Tax Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.OConnell@tax.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Written comments were received regarding proposal TAF-13-16-00005-EP from Senator Terrence P. Murphy, Member of the New York Senate, 40th District. No other comments were received.

Senator Murphy noted that the Commissioner of the Department of Taxation and Finance is responsible for making adjustments to the rate of the metropolitan transportation business tax surcharge for Tax Year 2016 and that he must ensure that the receipts attributable to the surcharge meet and not exceed the financial projections for state fiscal year 2016-17. Nevertheless, he urged that "although an increase of 2.4 percent may not appear onerous, many corporations forced to pay this higher rate, are already struggling with the costs of doing business in New York State." Senator Murphy also noted that the metropolitan business transportation tax surcharge rate was increased in 2015, from 17 percent to 25.6 percent. The Senator further notes that the corporations doing business in the metropolitan commuter transportation district provide the State of New York with much needed goods, services, and jobs. In closing, he requests that the Commissioner strongly consider amending the proposed rule to decrease the rate of the surcharge.

New Part 9 of the Business Corporation Franchise Tax regulations complies with the mandate of Tax Law section 209-B(1)(f), as amended, setting forth the rate for taxable years beginning on or after January 1, 2016. The previously established statutory rate was 25.6 percent of the tax imposed under section 209 of the Tax Law. As required by section 209-B(1)(f), using the state fiscal year 2016-2017 fiscal projections, the commissioner has determined the rate must be adjusted to be at the rate of 28 percent of the tax imposed under section 209 of the Tax Law for taxable years beginning on or after January 1, 2016 and before January 1, 2017, in order to ensure appropriate funding to the metropolitan commuter transportation district.

The requirement that the Commissioner adjust the metropolitan transportation business tax surcharge using the methodology prescribed in Tax Law, section 209-B is not discretionary. The Commissioner is not authorized to adjust the rate as requested by Senator Murphy.

No changes were made to the rule as a result of these comments.

NOTICE OF ADOPTION

Production of Daily Inventory Records to the Department, Upon Request, by Those Already Required to Maintain Such Records

I.D. No. TAF-13-16-00006-A

Filing No. 503

Filing Date: 2016-05-20

Effective Date: 2016-06-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 533.2(e) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First and 1135(d)

Subject: Production of daily inventory records to the department, upon request, by those already required to maintain such records.

Purpose: To provide the department access to relevant existing data, in furtherance of the administration of the Tax Law.

Text or summary was published in the March 30, 2016 issue of the Register, I.D. No. TAF-13-16-00006-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: tax.regulations@tax.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-23-16-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period July 1, 2016 through September 30, 2016.

Text of proposed rule: Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (lxxxiii) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(lxxxii) April-June 2016					
13.7	21.7	38.7	14.9	22.9	38.15
(lxxxiii) July-September 2016					
13.6	21.6	38.6	14.5	22.5	37.75

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Tax Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: tax.regulations@tax.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Workers' Compensation Board

NOTICE OF ADOPTION

Funeral Expenses

I.D. No. WCB-45-15-00023-A

Filing No. 507

Filing Date: 2016-05-24

Effective Date: 2016-06-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 311.1 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 16, 117 and 141

Subject: Funeral expenses.

Purpose: To increase the permitted amount of reimbursement for funeral and memorial services in work related deaths.

Text of final rule: Section 311.1 of Title 12 of the New York Codes Rules and Regulations is amended as follows:

Reimbursement for funeral expenses or memorial services under the Workers' Compensation Law, including but not limited to the following items: grave sites; headstone; organist; priest, minister, rabbi or other officiant; removal from hospital; casket; vault; chapel rental; embalming; preparation fees; hearse; cemetery fees including plot; death certificates; newspaper ad; and cremation costs, shall not exceed \$ [6]12,500 in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester. In the remaining counties, reimbursement for such funeral expenses shall not exceed \$ [5]10,500. This fee schedule shall be applicable to deaths occurring on or after [July 31, 1990] June 8, 2016.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 311.1.

Text of rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, 328 State Street, Office of General Counsel, Schenectady, NY 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The only change to the adopted rule is to change the effective date to June 8, 2016, the date of publication in the State Register.

Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Business and Local Governments is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The only change to the adopted rule is to change the effective date to June 8, 2016, the date of publication in the State Register.

Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The only change to the adopted rule is to change the effective date to June 8, 2016, the date of publication in the State Register.

Revised Job Impact Statement

A revised Statement in Lieu of Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The only change to the adopted rule is to change the effective date to June 8, 2016, the date of publication in the State Register.

Assessment of Public Comment

The agency received no public comment.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Requests for Administrative Review

I.D. No. WCB-45-15-00020-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Repeal of sections 300.13, 300.15 and 300.16; addition of new section 300.13 to Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: Requests for Administrative Review.

Purpose: To clarify the process for requesting administrative review and full Board review including requests for reconsideration.

Text of revised rule: Sections 300.13, 300.15 and 300.16 of Title 12 of NYCRR are repealed and a 300.13 is added:

300.13 Administrative Review, Full Board Review, and Applications for Board Reconsideration

a. Definitions

(1) "Administrative Review" means an administrative appeal from a decision of a Compensation Claims Referee, under section twenty-three of the workers' compensation law, or an administrative appeal of a finalized administrative determination as set forth in part three-hundred twelve of this chapter.

(2) "Full Board Review" means an administrative appeal from a decision of the Board pursuant to section twenty three of the workers' compensation law. Such review is discretionary unless a board member dissents from the ruling regarding a finding other than the issue of whether to appoint an impartial medical specialist. Upon notice to the claimant, his or her legal representative, if any, the employer or carrier or Special Fund, the full board may review any case on its own motion.

(3) "Filing" means an application has been received by the Board at the designated point of receipt. Upon posting on the Board's website, the Chair may prescribe the format and method for filing and service including, among other methods, electronic, mail or fax service.

(4) "Necessary Parties of Interest" means, for the purposes of this section, claimants, self-insured employers, private insurance carriers, the state insurance fund, special funds, no-fault carriers per section one hundred forty-two of the workers' compensation law, or any surety, including but not limited to the uninsured employer's fund, and the liquidation bureau. Treating Medical Providers and Independent Medical Examiners are not parties of interest and may not make filings, oral arguments, or otherwise participate in the administrative review process. Attorneys and licensed hearing representatives are not necessary parties of interest under this rule, except that an attorney or representative is a necessary party in an appeal that concerns the amount of a fee payable to an attorney or representative or a penalty imposed against an attorney or

licensed hearing representative. A claimant's attorney or licensed hearing representative, properly designated by the claimant as his or her representative, shall receive a copy of any applications or rebuttals filed under this section.

(b) Requests for Administrative Review and Requests for Full Board Review filed pursuant to Workers' Compensation Law Section 23, and Requests for Reconsideration of a Board Panel decision pursuant to Section 300.14 of this Part.

(1) Application Format. Unless submitted by an unrepresented claimant, an application to the Board for administrative review of a decision by a Workers' Compensation Law Judge shall be in the format as prescribed by the Chair. The application in the format prescribed by the Chair must be filled out completely by the appellant, except that the requirement to utilize the application format shall not be imposed upon a claimant who is unrepresented.

(i) Unless otherwise specified by the Chair, the appellant may attach a legal brief of up to eight pages in length, in 12-point font, with one inch margins, on 8.5 inch by 11 paper. A brief longer than eight pages will not be considered, unless the appellant specifies, in writing, why the legal argument could not have been made within eight pages. In no event shall a brief longer than fifteen pages be considered.

(ii) Documents that are present in the Board's electronic case folder at the time the administrative review is submitted shall not be, included with or attached to the application. The Board may reject applications for review by an appellant, or an attorney or licensed representative of the appellant, who attaches documents that are already in the case folder at the time of the application.

(iii) If the appellant seeks to introduce additional documentary evidence in the administrative appeal that was not presented before the Workers' Compensation Law Judge, the appellant must submit a sworn affidavit, setting forth the evidence, and explaining why it could not have been presented before the Workers' Compensation Law Judge. The Board has discretion to accept or deny such newly filed evidence. Newly filed evidence submitted without the affidavit will not be considered by the Board panel.

(2) The application for administrative review:

(i) shall specify the issues and grounds for the appeal;

(ii) shall specify the objection or exception that was interposed to the ruling, and when the objection or exception was interposed;

(iii) shall, when filed by an employer or carrier, specify which payments are continuing pending resolution of the administrative appeal, and which payments are stayed pursuant to section twenty-three of the Workers' Compensation Law;

(iv) shall include proof of service upon all necessary parties of interest, in the format prescribed by the Chair. Service upon a party who is not adverse to the interest of the appellant may not render the appeal defective as such party is not a necessary party of interest. Failure to properly serve a necessary party shall be deemed defective service and the application may be rejected by the Board.

(A) Proof of service in the format prescribed by the Chair shall specify the papers served, the person who was served, the date, and method of service including the actual address, email address or fax number where service was transmitted. An affidavit, affirmation, or other satisfactory proof of service as prescribed by the Chair, shall be submitted with the Application for Administrative Review to the Board. The affidavit, affirmation, or other proof of service must certify that all service was completed within thirty days from the filing of the decision that is the subject of the Application for Administrative Review.

(B) There is no requirement that each party be served in the same manner. Service is deemed timely if completed by the party of interest within thirty days of the filing of the decision by the Board.

(C) Unless the Chair directs service by electronic means, the appellant must certify in the affidavit or affirmation of service, that the party served provided explicit permission to receive service by fax, email, or other electronic means.

(D) When the administrative appeal is filed by the carrier, self-insured employer, or other payor or potential payor, service shall be upon the claimant, and claimant's attorney or representative, and other necessary parties in interest.

(E) Service upon a party who is not adverse to the interest of the appellant is optional, and failure to properly serve an optional party shall not be deemed to render the appeal defective.

(v) Shall include any additional fee request in the format prescribed by the Chair for fee requests. Failure to request an additional fee in the prescribed format shall result in waiver of such fee.

(3) Filing with the Board

(i) The application shall be filed with the board within thirty days after the notice of the filing of the decision. All filings must be made using methods designated, permitted, and prescribed by the Chair. If more than one filing option is permitted by the Chair, the appellant shall choose one

method for filing. Any duplicate filings may be deemed to be raising or continuing an issue without reasonable grounds, and may subject the appellant to assessments under 114-a(3) of the Workers' Compensation Law.

(ii) Method of filing the application

(A) By mail shall be sent to the Board's designated Centralized Mailing Address;

(B) By fax shall be sent to the Board's designated Centralized Fax Number;

(C) By email shall be sent to the Board's designated email address for claims documents;

(D) By electronic means shall be filed in the method and manner prescribed by the Chair. An application that is submitted by electronic means in accordance with this subparagraphs shall not be deemed filed with the Board until such submission is received and acknowledged by the Board.

(iii) The Chair may prescribe and require the format and the methods of filing of administrative appeals, including by electronic means, and may set the requirements to include various data fields, except that claimants who are unrepresented are exempt from the requirement to file electronically.

(4) Denial of review. The application for review may be denied under the following circumstances:

(i) By letter issued by the Chair or the Chair's designee when the appellant, other than a claimant who is not represented, does not comply with prescribed formatting, completion and service submission requirements;

(ii) By decision of the Board panel, when the appellant does not file the application within thirty days;

(iii) By decision of the Board panel, when the appellant does not properly file the application with the Board;

(iv) By decision of the Board panel, when the appellant does not provide proper proof of timely service upon a necessary party in interest other than a party who is not adverse to the appellant. When the appellant fails to supply proper proof of timely service upon a necessary party,

(A) When a rebuttal is submitted, the necessary party shall raise the issue of defective service in its rebuttal. Failure to raise the issue of defective service in the rebuttal shall constitute a waiver of the issue.

(B) When no rebuttal is filed, the Board may consider whether the application was defectively served, and if so, the Board may deny review without decision.

(v) Where the appellant did not interpose a specific objection or exception to a ruling or award by a workers' compensation law judge.

(A) Where a decision is made at a hearing, the appellant did not preserve a specific objection to the ruling or award at the hearing on the record.

(B) Where proceedings occur off-calendar, such as at a deposition, the appellant did not preserve objections on the record at the start of or conclusion of the proceeding as to qualifications of the deponent, or admissibility of any medical report or report of independent medical examination.

(C) No objection to findings made by reserved decision that have not been previously made at a hearing, need be interposed prior to filing of an application for review.

c. Rebuttal. A party adverse to the application for administrative review may file a rebuttal to such application for review. The rebuttal shall be in writing and, for parties other than an unrepresented claimant, shall be accompanied by a cover sheet in the format prescribed by the chair. The rebuttal shall conform to the requirements for requests for administrative review set forth in subdivision (b) herein. Such rebuttal shall be served on the Board and all necessary parties within thirty days after service of the application for review together with proof of service upon all necessary parties in the form and format prescribed by the Chair.

d. The Board shall have the verbatim records of all hearings and proceedings placed in the case file it maintains in a readable, viewable or audible format where the issue or issues raised in the application for review were covered, and the case file shall only be considered by a Board Panel after the verbatim records covering the disputed issues are inserted in the case file.

e. Stay of Payments. There is no stay of any payment due to the claimant or the Board upon a filing of an application for full Board review.

f. When a claimant is not represented, the Board shall have discretion to waive the requirements contained in this section. An unrepresented claimant, who subsequently retains counsel, may have the procedural requirements of this section waived for the time when he or she was unrepresented.

Revised rule compared with proposed rule: Substantial revisions were made in section 300.13(b)(1).

Text of revised proposed rule and any required statements and analyses may be obtained from Heather MacMaster, Workers' Compensation Board, 328 State Street, Office of General Counsel, Schenectady, New York 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The proposed changes to the proposed rule clarify that a claimant's representative must receive copies of applications for review and rebuttals; clarify that a no-fault carrier may be a necessary party of interest; removes a redundant sentence regarding stays when an application for review is pending; clarify that failure to serve an optional party does not require that an application be found defective; clarify that the Chair may prescribe the format for applications and rebuttals; and, corrects an error in numeration. The proposed revised rule also changes the maximum length of an application for review and describes when a defective application may be denied by letter and when a defective application may be denied by decision of the Board Panel.

Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Business and Local Governments is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The proposed changes to the proposed rule clarify that a claimant's representative must receive copies of applications for review and rebuttals; clarify that a no-fault carrier may be a necessary party of interest; removes a redundant sentence regarding stays when an application for review is pending; clarify that failure to serve an optional party does not require that an application be found defective; clarify that the Chair may prescribe the format for applications and rebuttals; and, corrects an error in numeration. The proposed revised rule also changes the maximum length of an application for review and describes when a defective application may be denied by letter and when a defective application may be denied by decision of the Board Panel.

Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The proposed changes to the proposed rule clarify that a claimant's representative must receive copies of applications for review and rebuttals; clarify that a no-fault carrier may be a necessary party of interest; removes a redundant sentence regarding stays when an application for review is pending; clarify that failure to serve an optional party does not require that an application be found defective; clarify that the Chair may prescribe the format for applications and rebuttals; and, corrects an error in numeration. The proposed revised rule also changes the maximum length of an application for review and describes when a defective application may be denied by letter and when a defective application may be denied by decision of the Board Panel.

Revised Job Impact Statement

A revised Statement in Lieu of Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published document. The proposed changes to the proposed rule clarify that a claimant's representative must receive copies of applications for review and rebuttals; clarify that a no-fault carrier may be a necessary party of interest; removes a redundant sentence regarding stays when an application for review is pending; clarify that failure to serve an optional party does not require that an application be found defective; clarify that the Chair may prescribe the format for applications and rebuttals; and, corrects an error in numeration. The proposed revised rule also changes the maximum length of an application for review and describes when a defective application may be denied by letter and when a defective application may be denied by decision of the Board Panel.

Assessment of Public Comment

The 45-day public comment period with respect to Proposed Rule I.D. No. WCB-45-15-00020 commenced on November 10, 2015, and expired on December 28, 2015. The Chair and the Workers' Compensation Board (Board) received and accepted formal written public comments on the proposed rule through January 4, 2016.

Six comments were received by the Board between November 16, 2015 and December 28, 2015. The breakdown of the entities submitting comments are as follows: four comments were from law firms, one was from an insurance carrier, and one from a lobbying group that represents employers.

The majority of comments concerned the page limit for applications for review. The comments contend that the five page limit is inadequate for appeals with multiple or complex issues. It was suggested that summarizing the record involving multiple physicians and lay witnesses and

highlighting key points of the record is crucial to a party's due process rights. An inference was suggested that an informed decision based on an abbreviated record is more difficult as the decision maker is more likely to miss key parts of evidence in the record and may subject a decision to further review by the courts. One commenter offered the argument that a page limit would pose ethical violations for attorneys who are bound to fully present the facts and legal arguments supporting their clients' positions. It was also mentioned that there is no corresponding limit on rebuttals to applications for review. One comment suggested an alternate limit of 15 pages in 12 point font. As a basis for its alternate limit, Court Rule 1000.4(f)(3) was cited for the Appellate Division, Third Department which permits an appellant brief of 70 pages with no restriction on font size. Another comment suggested eliminating the limit altogether. Another comment noted that there does not appear to be any prohibition on submitting each issue as a separate appeal when multiple issues are involved.

In response to these comments, the Board has made two changes. The revised proposed regulation increases the maximum page limit to eight pages and fifteen in the event of complex issues. The revised proposed regulation also clarifies that rebuttals must conform to the same rules as applied to requests for administrative review.

Other comments addressed the status of attorneys and hearing representatives as not necessary parties of interest to an application for review. The revised proposed regulation clarifies that service of the claimant's legal representative is required.

One commenter objected to the change in § 300.13(b) that requires an application for review to be filled out completely by the appellant. SIF's concern is that this would cause otherwise meritorious applications to be rejected or denied because of the omission of one or more insubstantial or immaterial details. No change has been made in response to this comment. The proposed regulation contains an exception when a claimant is not represented. Attorneys and licensed representatives may be held accountable for completely filling out the form.

One commenter made several additional points, suggesting that it is improper to permit the Board to deny review when an application contains documents already in the Board file, requiring an affidavit when new evidence is introduced with a request for review and permitting imposition of WCL 114-a(3) penalties when duplicate filings of the same request are filed. No change has been made in response to these comments. The filing of duplicate documents or applications are a serious issue causing unwarranted increases in scanning fees to the Board and the taxpayers of New York. Duplicate filings of requests for review also require unnecessary review by Board attorneys of each filing. Contrary to the commenters' assertion, WCL § 114-a(3) penalties may be imposed to cover costs when a party proceeds without reasonable grounds. Filing duplicate applications may constitute such an action when the party knows how to properly file a request and files duplicate requests consuming Board staff time and resources to identify the duplicates. Similarly, when a party seeks to introduce new documents with a request for administrative review, it is appropriate for the Board to require an affidavit stating why such documents could not have been introduced at the hearing underlying the matter. Conducting hearings without all available evidence is a waste of the parties' time and Board resources. It is warranted to require an affidavit to support introduction of this evidence after the hearing. Accordingly, no change has been made in response to these comments.

Finally, this commenter suggested that it is unwarranted to direct payment to the claimant when the case is the subject of a request for mandatory full Board review. No change has been made to this provision as the Board believes this section is a clarification of the requirements contained in WCL § 23.

CHANGES TO THE REGULATION:

The revised regulation that is being proposed contains the following changes from the proposed rule published in the November 10, 2015 State Register:

- In section 300.13(a), "personal" service has been removed as the Board is not equipped to accept personally served applications.
- In section 300.13(a), no-fault carriers have been added to list of necessary parties and a sentence has been included mandating service on claimant's attorneys and licensed hearing representatives.
- In section 300.13(b), the maximum page lengths have been changed from five and eight to eight and fifteen respectively.
- In section 300.13(b), this sentence has been removed because it was redundant and unclear "For all payments stayed, the appellant shall indicate the issue on appeal that forms the legal basis for staying payments."
- In section 300.13(b), the language regarding "optional party of interest" has been removed and new language added that clarifies that failure to service a party adverse to the appellant may not render the appeal defective.
- In section 300.13(b), "may" was changed to "shall" to clarify that

documents in the Board's electronic case folder are not permitted to be attached to a request for review or a rebuttal.

- In section 300.13(b), "manner" of fee requests has been changed to "format prescribed by the Chair" to conform the language in this regulation with language used in other Board regulations.
- In section 300.13(b), language regarding denials of review by the Board has been clarified to distinguish which appeals may be denied by letter and which must be denied by a decision of the Board panel.
- In section 300.13(b), language has been clarified as to the timing and mechanics for preservation of objections at depositions.
- The numbering of subparagraphs within subdivision (b) section 300.13 has been corrected from the prior proposal.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-19-16-00006-EP	Chemical bulk storage (CBS)	Empire State Plaza, Meeting Rm. 6, Albany, NY—June 27, 2016, 2:00 p.m. RIT Inn and Conference Center, 5257 W. Henrietta Rd., Henrietta, NY—June 28, 2016, 2:00 p.m. Nassau Community College, One Education Dr., Garden City, NY—June 30, 2016, 2:00 p.m. Details are available on NYSDEC's website at http://www.dec.ny.gov/regulations/104968.html
ENV-23-16-00001-EP	Peekamoose Valley Riparian Corridor	Sundown United Methodist Church, Peekamoose Rd., Denning, NY—June 21, 2016, 7:00 p.m.
Long Island Power Authority		
LPA-19-16-00015-P	Customer request for rehearings of LIPA's decisions on appeals and shared meter determinations	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—July 5, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—July 5, 2016, 2:00 p.m.
LPA-20-16-00001-P	Proposed feed-in tariffs for new commercial solar and fuel cell generation	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—July 5, 2016, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—July 5, 2016, 2:00 p.m.
Public Service Commission		
PSC-17-16-00004-P	Major electric rate filing	Department of Public Service, 90 Church St., 4th Fl. Board Rm., New York, NY—July 20, 2016, 10:00 a.m., and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 16-E-0060 and 16-G-0061.
PSC-17-16-00005-P	Major gas rate filing	Department of Public Service, Agency Bldg. Three, 19th Fl. Board Rm., Albany, NY—June 27, 2016, 10:00 a.m., and daily on succeeding business days as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 16-G-0058 and 16-G-0059.
PSC-17-16-00007-P	Major gas rate filing	Department of Public Service, 90 Church St., 4th Fl. Board Rm., New York, NY—July 20, 2016, 10:00 a.m., and continuing daily as needed (Evidentiary Hearing)*

PSC-17-16-00008-P Major gas rate filing

*On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 16-E-0060 and 16-G-0061.

Department of Public Service, Agency Bldg. Three, 19th Fl. Board Rm., Albany, NY—June 27, 2016, 10:00 a.m., and daily on succeeding business days as needed (Evidentiary Hearing)*

*On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 16-G-0058 and 16-G-0059.

PSC-22-16-00013-P Disposition of tax refunds and other related matters

Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—August 3, 2016, 10:30 a.m., and continuing as needed (Evidentiary Hearing)*

*On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 16-M-0231.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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ADIRONDACK PARK AGENCY

APA-09-16-00005-P	03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-28-15-00003-P	07/14/16	Incorporate by reference in 1 NYCRR of the 2015 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2015 edition of NIST Handbook 133
AAM-32-15-00001-P	08/11/16	Petroleum products and delivery devices; exemption of maple syrup and honey producers from food processing	To repeal requirements relating to petroleum devices and products, and to maple syrup and honey producers
AAM-19-16-00003-EP	05/11/17	Various trees and plants of the Prunus species	To amend the plum pox virus quarantined and regulated areas for purposes of helping prevent the further spread of this virus
AAM-23-16-00005-P	06/08/17	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-20-16-00002-P	05/18/17	OASAS Treatment Services: General Provisions	Include all mental health practitioners as qualified health professionals (QHP)
ASA-20-16-00003-P	05/18/17	General Facility Requirements	Updates provisions applicable to all certified facilities due to: residential redesign, changes in certification and inspections
ASA-20-16-00004-P	05/18/17	Incident reporting in Oasas certified, licensed, funded, or operated services	To clarify requirements for reporting patient deaths

Action Pending Index**NYS Register/June 8, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-49-15-00005-P	12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation
CFS-23-16-00004-EP	06/08/17	Requirements regarding the cooperation of school districts with investigations of suspected child abuse or maltreatment	To clarify requirements for the cooperation of school districts with investigations of suspected child abuse or maltreatment
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-34-15-00006-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00008-P	08/25/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00011-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00013-P	08/25/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00002-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00003-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00004-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00005-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00008-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-36-15-00009-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00010-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00011-P	09/08/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-36-15-00012-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-36-15-00013-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00014-P	09/08/16	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-36-15-00015-P	09/08/16	Jurisdictional Classification	To delete positions/subheadings from and classify positions in the exempt class and delete positions from non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00017-P	09/08/16	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-36-15-00018-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00004-P	11/03/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-15-00005-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00007-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00009-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00013-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class

Action Pending Index**NYS Register/June 8, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-15-00015-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00016-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00003-P	01/12/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00004-P	01/12/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-02-16-00005-P	01/12/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-02-16-00006-P	01/12/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-07-16-00005-P	02/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-07-16-00006-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00007-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00008-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00009-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00010-P	02/16/17	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-11-16-00001-P	03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-11-16-00002-P	..... 03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	..... 03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-16-00005-P	..... 04/06/17	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016
CVS-15-16-00004-P	..... 04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00005-P	..... 04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-15-16-00006-P	..... 04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00007-P	..... 04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-15-16-00008-P	..... 04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-20-16-00005-P	..... 05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	..... 05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-35-15-00018-P	..... 09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-09-16-00002-P	..... 03/02/17	Central Registry of Police Officers and Peace Officers	To consolidate the police officer and peace officer registries; and to clarify the reporting requirements
EDUCATION DEPARTMENT			
EDU-45-15-00014-RP	..... 11/30/16	Preschool special education programs and services	To enact requirements relating to appointment of 1:1 aide by Committee on Special Education (CSE); Special Education Itinerant Services (SEIS); related services; and standards for approved preschool providers
EDU-04-16-00004-P	..... 02/25/17	Procedures for State-level review of impartial hearing officer determinations regarding services for students with disabilities.	To revise the procedures for appealing impartial hearing officer decisions to a State review officer.
EDU-05-16-00003-ERP	..... 02/02/17	Examinations for Teacher Certification	To provide a safety net for candidates who take and fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grades 7-12 Content Specialty Test (CST) which is required for Students with Disabilities, Grades 7-12, Generalist Teacher Cert.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-06-16-00004-P	02/09/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-10-16-00018-P	03/09/17	Dental Anesthesia Certification Requirements for Licensed Dentists	To conform regulations to the current practice of dental anesthesia administration
EDU-14-16-00002-EP	04/06/17	Career development and occupational studies (CDOS) graduation pathway option	To establish a Career Development and Occupational Studies (CDOS) graduation pathway option
EDU-14-16-00003-EP	04/06/17	Appeals process on Regents exams passing score	To expand by two additional points the eligible score band for the appeal process on Regents examinations passing scores and to eliminate the minimum attendance eligibility requirements for such appeals
EDU-14-16-00004-EP	04/06/17	Interest penalties for late annual assessment fees paid by licensed private career schools	To conform regulations to reflect current practices
EDU-14-16-00009-EP	04/06/17	Registration and continuing teacher and leader education requirements	to implement Subpart C of Part EE of chapter 56 of the Laws of 2015 by establishing registration for all Permanent, Professional and Teaching Assistant Level III certificate holders
EDU-18-16-00004-P	05/04/17	To authorize NY Higher Education Institutions to participate in SARA and approve out-of-state institutions for distance learning	To set forth requirements for authorization of NYS higher education institutions to participate in State Authorization Reciprocity Agreement (SARA)
EDU-18-16-00005-P	05/04/17	Academic Intervention Services	To revise the methodology by which school districts shall identify students in grades 3-8 who receive academic intervention services (AIS) for the 2016-2017 school year, and then for the 2017-2018 school year and each school year thereafter
EDU-18-16-00006-P	05/04/17	Substitute Teachers	To address the issue of school districts having difficulty finding certified teachers to serve as substitutes
EDU-18-16-00007-P	05/04/17	Licensing Examination Requirements for Certified Shorthand Reporters	To permit the Department to accept a passing score on an exam determined by the State Board to be acceptable for licensure
EDU-18-16-00008-P	05/04/17	Licensure of Professional Geologists and Continuing Education for Land Surveyors	To establish the new profession of geology including licensure requirements, and extend continuing education for land surveyors
EDU-18-16-00009-P	05/04/17	Endorsement of out-of-state certificates for teaching and educational leadership	To provide an alternative pathway for endorsement of out-of-state certificates for service as a teacher, school district leader, school district business leader and school building leader

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-18-16-00010-EP	05/04/17	Teacher Certification	To provide a safety net for candidates who take and fail Part 2: Mathematics of the new Multi-Subject: Secondary Teachers Grades 7-12 Content Specialty Test (CST) which is required for Student with Disabilities-Grades 7-12-Generalist Teacher Certification
EDU-22-16-00006-EP	06/01/17	Teacher certification in career and technical education	Establishes a new pathway for Transitional A certificate
EDU-22-16-00008-EP	06/01/17	Licensure of Occupational Therapy Assistants (OTAs)	To define the practice of OTAs, establish requirements for licensure, and alter the composition of the State Board
ELECTIONS, STATE BOARD OF			
SBE-10-16-00003-P	03/09/17	Disclosure of Independent Expenditures	To conform 9 NYCRR 6200.10 to reflect amendment to Election Law 14-107 made by Chapter 56 of the Laws of 2015
SBE-17-16-00009-P	04/27/17	Routine testing of voting systems	To provide for testing of voting machines not less than once per year
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-19-15-00010-RP	08/10/16	Fisher trapping seasons and bag limits and general trapping regulations for furbearers	Revise existing fisher seasons, establish a new season in central/western NY, update and clarify general trapping regulations
ENV-23-15-00008-RP	07/28/16	Environmental Remediation - Brownfield Cleanup Program	To amend the Environmental Remediation Program regulations that pertain to the Brownfield Cleanup Program
ENV-24-15-00013-P	06/16/16	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-34-15-00028-P	08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-50-15-00002-P	12/15/16	The management of black sea bass	Redefine the term trip limit to allow two fishers aboard a single vessel to possess and land the trip limit for black sea bass
ENV-50-15-00003-P	12/15/16	Atlantic Ocean surfclam management	To amend surfclam regulations to provide consistency with management measures of the Fishery Management Plan
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-52-15-00010-P	..... 12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
ENV-11-16-00004-P	..... 06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-17-16-00001-P	..... 05/18/17	Croton Gorge Unique Area	To protect public safety and natural resources on the Croton Gorge Unique Area
ENV-19-16-00001-P	..... 05/11/17	Deer and Bear Hunting	To revise regulations governing deer hunting seasons, issuance and use of deer hunting tags, and hunting black bear
ENV-19-16-00002-P	..... 05/11/17	The management of menhaden	To add menhaden and the menhaden trip limit to Table B - Commercial Fishing of 6 NYCRR subdivision 40.1(i)
ENV-19-16-00006-EP	..... 06/30/17	Chemical Bulk Storage (CBS)	To amend Part 597 of the CBS regulations
ENV-23-16-00001-EP	..... 06/21/17	Peekamoose Valley Riparian Corridor	Protect public health, safety and general welfare, as well as the natural resources on the Peekamoose Valley Riparian Corridor

FINANCIAL SERVICES, DEPARTMENT OF

DFS-50-15-00004-P	..... 12/15/16	Regulating Transaction Monitoring and Filtering Systems maintained by banks, check cashers and money transmitters	To improve efficiency and transparency in the mortgage banker and mortgage broker licensing process
DFS-03-16-00003-EP	..... 01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-08-16-00002-P	..... 02/23/17	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To prohibit a health insurance policy or contract from providing coverage for conversion therapy to insureds under the age of 18
DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company

GAMING COMMISSION, NEW YORK STATE

SGC-39-15-00005-RP	..... 09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	..... 09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received
SGC-19-16-00013-P	..... 05/11/17	Surveillance standards for a licensed gaming facility	To govern a gaming facility licensee's system of procedures and standards for surveillance
SGC-19-16-00014-P	..... 05/11/17	Conduct and operation of a gaming facility	To govern a gaming facility licensee's system of procedures for the conduct and operation of gaming

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-22-16-00004-P	06/01/17	Simplifying how a trainer may alter the use of hopples	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-22-16-00005-P	06/01/17	Decoupling of harness horses in major stakes races	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-23-16-00006-P	06/08/17	Voidable claims based on race day samples	To enhance the safety and integrity of horse racing while generating a reasonable return for government
SGC-23-16-00014-P	06/08/17	Criteria for the licensing, conduct and operation of independent testing laboratories	To govern the licensing, conduct and operation, testing and reporting requirements of independent testing laboratories
GENERAL SERVICES, OFFICE OF			
GNS-07-16-00013-P	02/16/17	Outdoor lighting standards	To provide lighting standards that will help state agencies comply with Public Buildings Law section 143
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-30-15-00005-P	07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-30-15-00007-P	07/28/16	Reciprocal Emergency Medical Technician Certification Requirements	To replace the emergency medical technician-intermediate category with the advanced emergency medical technician category
HLT-30-15-00008-P	07/28/16	Controlled Substances for EMS Agency Agent and Requirements for an Advanced Life Support System	To amend the regulations regarding the EMS Agency Agent and the Requirements for an Advanced Life Support System
HLT-30-15-00009-P	07/28/16	Requirements for Manufacturers and Distributors Regarding Controlled Substances	To clarify and use language consistent with current terminology used by the State Board of Pharmacy
HLT-39-15-00015-P	09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-46-15-00006-P	01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-51-15-00008-P	12/22/16	Children's Camps	To include camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center
HLT-06-16-00002-P	02/09/17	Perinatal Services	To update the Breastfeeding Mother's Bill of Rights to conform with recommended standards of care
HLT-06-16-00005-P	02/09/17	Hospice Operational Rules	To implement hospice expansion
HLT-15-16-00016-P	04/13/17	Zika Action Plan; Performance Standards.	To require local health departments to develop a Zika Action Plan as a condition of State Aid

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HEALTH, DEPARTMENT OF			
HLT-16-16-00002-P	04/20/17	NYS Medical Indemnity Fund	To provide additional guidance and clarity to the Fund's requirements and operations
HLT-16-16-00007-P	04/20/17	Protection Against Legionella	To protect the public from the immediate threat posed by Legionella
HLT-19-16-00008-P	05/11/17	Transgender Related Care and Services	To revise and clarify the criteria for Medicaid coverage of transgender related care and services
HLT-21-16-00003-P	05/25/17	New York State Newborn Screening Panel	To add adrenoleukodystrophy (ALD) and Pompe disease to the list of diseases and conditions on the newborn screening panel
HLT-23-16-00007-P	06/08/17	School Immunization Requirements	To update school immunization and NYSIS regulations.
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-28-15-00008-EP	07/14/16	Protocols for interviewing service recipients during investigations of abuse or neglect	To enhance protections for people with special needs during investigations of abuse or neglect
LABOR, DEPARTMENT OF			
*LAB-21-15-00009-RP	05/26/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees
LAW, DEPARTMENT OF			
LAW-47-15-00007-ERP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons
LIQUOR AUTHORITY, STATE			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LQR-06-16-00003-P	02/09/17	Alcohol Training and Awareness Program (ATAP) application processes and program requirements	To enact statutorily required Alcohol Training and Awareness Program (ATAP) application processes and program requirements
LQR-17-16-00002-P	04/27/17	Updated price posting rules, license durations, and recordkeeping requirements, and rescinding of whiskey dividend rules	To update price posting rules, license durations, recordkeeping, and joint advertising rules for certain license types
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-19-16-00015-P	..... exempt	Customer requests for rehearings of LIPA's decisions on appeals and shared meter determinations	To transfer certain responsibilities regarding handling of customer petitions to DPS Long Island
LPA-20-16-00001-P	..... exempt	Proposed Feed-in Tariffs for new commercial solar and fuel cell generation	To authorize development of up to 20MW of new solar generation and 40MW of new fuel cell generation through feed-in tariffs
MENTAL HEALTH, OFFICE OF			
OMH-17-16-00010-P	..... 04/27/17	Telepsychiatry Services	Establish basic standards to approve telepsychiatry in certain OMH-licensed programs; repeal unnecessary existing provisions
OMH-18-16-00003-P	..... 05/04/17	Incident Management; Criminal History Record Checks; Operation of Psychiatric Inpatient Units General Hospitals, RTFs, and CPEPs	To update existing regulations and conform to non-discretionary statutory provisions
MOTOR VEHICLES, DEPARTMENT OF			
MTV-15-16-00009-P	..... 04/13/17	Enforcement of off premise sales regulation	To provide for enforcement of off premise sales regulation
MTV-18-16-00001-P	..... 05/04/17	Relicensing after revocation pursuant to a fatal accident hearing	Provide that an application for relicensure may be denied pursuant to a revocation arising out of a fatal accident hearing
MTV-18-16-00002-P	..... 05/04/17	Drivers License Endorsements	To conform regulation with federal and state laws for the covered farm vehicles and the P license endorsement
MTV-22-16-00003-P	..... 06/01/17	Wyoming County motor vehicle use tax	Raises the amount of the Wyoming County motor vehicle use tax
MTV-22-16-00007-P	..... 06/01/17	Special and reserved series plates	Establish guidelines for the issuance of special and reserved series plates
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-15-00003-P 12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series

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PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-15-16-00002-P	04/13/17	Site Based Prevocational Services Certification and Physical Plant Requirements	To apply existing physical plant and certification requirements in OPWDD regulations to site based prevocational services
PDD-16-16-00001-P	04/20/17	Cost Report Submission and Penalty Changes	To amend requirements for submission of cost reports and penalties for failure to submit cost reports to OPWDD
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs

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PUBLIC SERVICE COMMISSION			
*PSC-01-02-00007-P exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises

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PUBLIC SERVICE COMMISSION			
*PSC-39-06-00022-P exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue

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PUBLIC SERVICE COMMISSION			
*PSC-23-07-00022-P exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDfC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
*PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
*PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
*PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
*PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00006-P	..... exempt	Petition to submeter electricity	To consider the request of 56th and Park (NY) LLC, to submeter electricity at 432 Park Avenue, New York, New York
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-15-00007-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 200 W. 54 Corp. to submeter electricity at 200 West 54th Street, New York, New York
PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York
PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
PSC-32-15-00007-P	..... exempt	Approval of cost recovery and incentive mechanisms for the NWA Project.	To approve the cost recovery and incentive mechanisms for the NWA Project.
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-37-15-00006-P	..... exempt	Major electric rate filing	To consider an increase in NYSEG's electric delivery revenues by approximately \$122 million or 16.8%
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-37-15-00008-P	..... exempt	Major gas rate filing	To consider an increase in NYSEG's gas delivery revenues by approximately \$36.3 million or 19.1%
PSC-37-15-00009-P	..... exempt	Major electric rate filing	To consider an increase in RG&E's electric delivery revenues by approximately \$53 million or 12.1%
PSC-37-15-00010-P	..... exempt	Major gas rate filing	To consider an increase in RG&E's gas delivery revenues by approximately \$21.8 million or 31.1%
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
PSC-39-15-00010-P	..... exempt	Major gas revenue increase	To consider an increase to its annual gas revenues by approximately \$1,228,000 or 2.96%
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of Sandy Clarkson LLC to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.
PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-45-15-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of One Vandam Condominium to submeter electricity at 180 Avenue of the Americas, New York, New York.
PSC-47-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 150 Charles Street Holdings LLC to submeter electricity at 150 Charles Street, New York, New York
PSC-47-15-00010-P	..... exempt	Use of the AMETEK JEMStar II Digital Power Meter	To consider permitting the use of AMETEK Power Instrument's JEMStar II Digital Power Meter for electric metering applications
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
PSC-47-15-00015-P	..... exempt	Petition to transfer and merge telephone and cable systems, franchises and assets and issue debt.	Consider the the proposed acquisition of Cablevision, its systems, franchises and assets, by Altice and the issuance of debt.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-50-15-00007-P	..... exempt	Collaborative Report on proposed consumer protections for the low income customers of energy services companies.	To consider the Collaborative Report on proposed consumer protections for the low income customers of energy services companies.
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-52-15-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of EO 180 Water LLC to submeter electricity at 180 Water Street, New York, New York.
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.
PSC-52-15-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of G-Z/10 UNP Realty, LLC to submeter electricity at 823 First Avenue, New York, New York.
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 10 Madison Square West to submeter electricity at 10 Madison Square West, New York, NY
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
PSC-02-16-00007-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider Orange and Rockland Utilities, Inc.'s petition to address the application of the earnings sharing mechanism.
PSC-03-16-00007-P	..... exempt	Petition to submeter electricity	To consider the Petition of Longhouse Cooperative to submeter electricity at 772 Elm Street Extension, Ithaca, New York
PSC-03-16-00008-P	..... exempt	Petition to submeter electricity	To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York
PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-16-00008-P	..... exempt	Clean Energy Standard	To consider funding for renewable and other non-emitting electric generation facilities
PSC-04-16-00010-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY.
PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
PSC-04-16-00015-P	..... exempt	Minor electric rate filing.	To consider the Village of Fairport's proposed increase in annual electric revenues by approximately \$464,440 or 2.49%.
PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
PSC-06-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 31-33 Lincoln Road, Brooklyn, NY.
PSC-06-16-00009-P	..... exempt	Minor water rate filing.	To consider an increase in Rainbow Water Company, Inc.'s annual water revenues by approximately \$16,248 or 20.7%.
PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
PSC-06-16-00011-P	..... exempt	Continuation of lightened regulation for electric generating plant.	To consider the continuation of lightened regulation for electric generating plant.
PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
PSC-06-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 510 Flatbush Ave., Brooklyn, NY.
PSC-07-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 20 Lafayette LLC to submeter electricity at 286 Ashland Place, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
PSC-07-16-00017-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-07-16-00019-P	..... exempt	Conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1	To consider conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1
PSC-07-16-00020-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions
PSC-07-16-00021-P	..... exempt	NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs	To consider NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs
PSC-08-16-00006-P	..... exempt	Examination of terms and conditions of utility service received by Fastrac Markets, LLC.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.
PSC-09-16-00004-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Bristol Water-Works Corporation by Bristol Harbour Resort Management LLC
PSC-10-16-00010-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Whistle Tree Development Corporation by Scribners Catskill Lodge, LLC.
PSC-11-16-00007-P	..... exempt	Petition to eliminate quarterly reporting on electronic deferred payment agreements	To consider the request of National Fuel Gas to eliminate quarterly reporting on electronic deferred payment agreements
PSC-11-16-00008-P	..... exempt	Proposed zero-emissions credits purchase program regarding certain nuclear power plants	To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation
PSC-11-16-00010-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00011-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00012-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-16-00014-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00015-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00016-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-11-16-00018-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water	To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%
PSC-12-16-00003-P	..... exempt	The use of the GE Energy low voltage transformers	To consider the use of the GE Energy low voltage transformers
PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge
PSC-12-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 3475 Third Avenue Owner Realty LLC to submeter electricity at 3475 Third Avenue, Bronx, NY
PSC-12-16-00006-P	..... exempt	Use of Artech transformers in commercial applications	To consider the use of Artech transformers
PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
PSC-13-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, New York
PSC-13-16-00008-P	..... exempt	Standby rate exemption for Offset Tariff customers	Consideration of the standby rate exemption for Offset Tariff customers
PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
PSC-13-16-00010-P	..... exempt	Transfer of a 1985 Bell 206L-3 helicopter	To consider the transfer of a 1985 Bell 206L-3 helicopter from NMPC to Fly Hangar 13, LLC
PSC-13-16-00011-P	..... exempt	Transfer of stock	To consider the sale of all outstanding Crystal Water Corp. stock to Bruce McNab
PSC-14-16-00006-P	..... exempt	Revisions to S.C. No. 4 Back-Up/Supplementary Service related to contract demand.	To consider revisions to S.C. No. 4 Back-Up/Supplementary Service related to contract demand.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
PSC-15-16-00010-P	..... exempt	Proposed financial incentives for projects undertaken through the Targeted Demand Management program	To consider financial incentives for projects undertaken through the Targeted Demand Management program
PSC-15-16-00011-P	..... exempt	Transfer of certain cable television facilities and franchises from SCCC to Zito New York, LLC	To consider the transfer of certain cable television facilities and franchises from SCCC to Zito New York, LLC
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-15-16-00013-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories	To consider a waiver of certain Commission requirements related to the distribution of telephone directories
PSC-15-16-00014-P	..... exempt	Establishment of SC No. 7 - Purchase of Renewable Energy from New Distributed Generators	To consider the establishment of SC No. 7 - Purchase of Renewable Energy from New Distributed Generators
PSC-15-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of IGI-GGP Renwick LLC to submeter electricity at 15 Renwick Street, New York, New York
PSC-16-16-00003-P	..... exempt	Waiver and/or clarification of certain Commission requirements related to distribution of telephone directories.	To consider a waiver and/or clarification of certain Commission requirements related to distribution of telephone directories.
PSC-16-16-00004-P	..... exempt	Utility Codes of Conduct for affiliate interactions.	To update and/or modify utility codes of conduct in anticipation of changes related to evolving Commission policies.
PSC-16-16-00005-P	..... exempt	A Clean Energy Standard - Tier 3.	To avoid adverse air emissions related to fossil fuel fired electricity generation and support upstate nuclear facilities.
PSC-16-16-00006-P	..... exempt	A Clean Energy Standard - Tier 1 and Tier 2.	To avoid adverse air emissions related to fossil fuel fired electricity generation and promote renewable sources of electricity.
PSC-17-16-00004-P	..... exempt	Major electric rate filing	To consider an increase in Con Edison's electric delivery revenues of approximately \$482 million or 9.5%
PSC-17-16-00005-P	..... exempt	Major gas rate filing	To consider an increase in KEDNY's gas delivery revenues by approximately \$290 million or 32%
PSC-17-16-00006-P	..... exempt	Proposal to revise General Rule 20 Standby Service	To consider proposed tariff revisions related to standby service multi-party offset under General Rule 20
PSC-17-16-00007-P	..... exempt	Major gas rate filing	To consider an increase in Con Edison's gas delivery revenues of approximately \$154 million or 13.4%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-16-00008-P	..... exempt	Major gas rate filing	To consider an increase in KEDLI's gas delivery revenues by approximately \$175 million or 27%
PSC-18-16-00011-P	..... exempt	Transfer of certain streetlights located in the City of Beacon.	To consider the transfer of certain streetlights from Central Hudson to the City of Beacon.
PSC-18-16-00012-P	..... exempt	Petition for additional stock acquisition.	To consider the petition for additional stock acquisition.
PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00017-P	..... exempt	Transfer of certain streetlights located in the City of Poughkeepsie.	To consider the transfer of certain streetlights from Central Hudson to the City of Poughkeepsie.
PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-19-16-00009-P	..... exempt	Rider T - Commercial Demand Response Programs	To consider revisions to Rider T regarding participating in the Commercial System Relief Program
PSC-19-16-00010-P	..... 05/11/17	Technical Amendments of State regulations	To align State regulations with their corollary Federal regulations
PSC-19-16-00011-P	..... exempt	Public Street Lighting - LED Options	To consider the addition of LED options to O&R's SC No. 4 - Public Street Lighting
PSC-19-16-00012-P	..... exempt	Proposed corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC	To consider corporate reorganization and transfer of ownership interests between members in Cricket Valley Energy Center, LLC
PSC-20-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BAM GO Developers, LLC to submeter electricity at 250 Ashland Place, Brooklyn, New York.
PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
PSC-20-16-00009-P	..... exempt	Standards for affiliate relationships.	To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates.
PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-20-16-00012-P	..... exempt	Accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.	To consider accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.
PSC-20-16-00013-P	..... exempt	Accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.	To consider accounting changes related to residual unbilled revenue for financial accounting and regulatory purposes.
PSC-20-16-00014-P	..... exempt	Transfer of ownership interests from CEC to Fortistar, and lightened regulation.	To consider the transfer of ownership interests from CEC to Fortistar, and lightened regulation.
PSC-21-16-00006-P	..... exempt	Petition to submeter electricity	To consider the petition of HV Housing, LLC to submeter electricity at 45 Vanderburgh Avenue, Troy, New York
PSC-21-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 206 Outer Main Street, Building #67, Potsdam, New York
PSC-21-16-00008-P	..... exempt	GE I-210+c with Silver Spring Network Interface Card (NIC) 510	To consider the use of the GE I-210+c with Silver Spring Networks Interface Card (NIC) 510
PSC-21-16-00009-P	..... exempt	Establishment of compensation for nuclear facilities relative to a Zero-Emissions Credit program	To preserve zero-emissions attributes of generation facilities serving New York electric customers
PSC-22-16-00010-P	..... exempt	Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To consider the Notice of Intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).
PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
PSC-22-16-00012-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 20 West 53rd Street, L.L.C. to submeter electricity at 20 West 53 Street, New York, NY.
PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-22-16-00014-P	..... exempt	Request for waiver of 16 NYCRR § 96.5(k)(3) and § 96.6(b).	To consider the request for waiver of 16 NYCRR § 96.5(k)(3) and 16 NYCRR § 96.6(b)
PSC-22-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 100 Willoughby Street and 210 Duffield Street, Brooklyn, New York.
PSC-23-16-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 135 West 52nd Street, New York, New York
PSC-23-16-00009-P	..... exempt	Transfer of assets and dissolution of Birch Hill Water Company Inc.	To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.
PSC-23-16-00010-P	..... exempt	Minor water rate filing	To consider an increase in Pheasant Hill Water Corporation's annual water revenues by approximately \$66,325 or 126%
PSC-23-16-00011-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-16-00012-P	..... exempt	Area Code Overlay	To consider an area code overlay in the current 518 area code
PSC-23-16-00013-P	..... exempt	Acquisition of all of the assets of Beaver Dam Lake Water Corporation	To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.
ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY			
RGT-04-16-00002-P	..... 01/26/17	Identifies prohibited conduct, consequences of prohibited conduct, and the available appeals process	To provide rules governing prohibited conduct to enhance the safety of the public using RGRTA's transportation services
STATE, DEPARTMENT OF			
*DOS-22-15-00017-P	..... 06/02/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
DOS-15-16-00017-EP	..... 04/13/17	Educational standards and requirements for nail trainees	To expeditiously make available a course of study for nail trainees
STATE UNIVERSITY OF NEW YORK			
SUN-38-15-00002-P	..... 09/22/16	Proposed amendments to traffic and parking regulations at State University of New York University at Buffalo	Amend existing regulations to update traffic and parking regulations
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-21-16-00002-P	..... 05/25/17	Computation of property percentage for personal income tax	To clarify that the property percentage includes rented tangible personal property in the apportionment factor
TAF-23-16-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2016 through September 30, 2016
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
*TDA-22-15-00005-P	..... 06/02/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TDA-27-15-00002-P	..... 07/07/16	Child support federal incentive payments	To update State procedures to distribute federal child support incentives and allocate portions thereof to local districts
TDA-37-15-00005-P	..... 09/15/16	Monthly Shelter Supplements	To update State regulations to reflect current State law
TDA-39-15-00016-P	..... 09/29/16	Temporary Housing Placements	Adjust the rate approval process for temporary housing placements and expand the scope of inspections for such placements
TDA-46-15-00005-P	..... 11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-06-16-00016-ERP	..... 02/09/17	Emergency shelters	Emergency measures concerning shelters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-19-16-00007-P	05/11/17	Supplemental Nutrition Assistance Program (SNAP)	Update State regulations concerning household cooperation with SNAP quality control reviews to reflect federal changes
TDA-21-16-00005-P	05/25/17	Income withholding of child or combined child and spousal support	Update State regulations to conform to federally-mandated changes to CPLR §§ 5241 and 5242 and SSL § 111-b
TRANSPORTATION, DEPARTMENT OF			
TRN-47-15-00002-P	11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRN-48-15-00005-P	12/01/16	Updates to various household goods provisions	Updates various household goods provisions
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-08-16-00005-P	02/23/17	Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels	To deter toll evasion
WORKERS' COMPENSATION BOARD			
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00020-RP	11/09/16	Requests for Administrative Review	To clarify the process for requesting administrative review and full Board review including requests for reconsideration
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal
WCB-45-15-00027-P	11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days

GUIDANCE DOCUMENTS

Not less than once each year, every agency shall submit to the Secretary of State for publication in the *State Register* a list of all Guidance Documents on which the agency currently relies [SAPA, section 202-e(1)]. However, an agency may be exempted from compliance with the requirements of SAPA section 202-e(1) if the agency has published on its website the full text of all Guidance Documents on which it currently relies [SAPA, section 202-e(2)].

Department of Law

I, the undersigned General Counsel for the Office of the Attorney General hereby state that said agency has published the full text of all guidance documents on which said agency currently relies at the following website: www.ag.ny.gov

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

**ABATE
ASBESTOS**
NYS Academy of Fire Science
Montour Falls, Schuyler County

Sealed bids for Project No. 45388-C, for Construction Work, Abate Asbestos, Building 2, NYS Academy of Fire Science, 600 College Avenue, Montour Falls (Schuyler County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, June 15, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$15,100 for C.

Further, Wicks Exempt Projects require a completed BDC 59 be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design & Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 200 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on June 2, 2016 at NYS Academy of Fire Science, 600 College Avenue, Montour falls, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Lara Franzese (607) 734-0592.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group*

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Developmental Disabilities Planning Council (DDPC)

99 Washington Ave., Suite 1230
Albany, NY 12210

NONPROFIT ORGANIZATIONS;* PUBLIC OR PRIVATE INSTITUTIONS, SUCH AS UNIVERSITIES, COLLEGES, HOSPITALS; DISABILITY-SERVICE ORGANIZATIONS; COMMUNITY-BASED ORGANIZATIONS; CONSORTIA, GROUPS OR PARTNERSHIPS AMONG ORGANIZATIONS

Self-Advocacy Leadership Academy

Organizations whose staff was involved in the development of this Request for Proposal are not eligible to directly apply or be included as a sub-contractor for another applicant.

*Note: the lead applicant cannot be a for-profit organization; however, for-profit organizations may serve as subcontractors to the lead applicant.

To fund one grantee up to \$300,000 (\$100,000 per year for three years) to establish a Self-Advocacy Leadership Academy in New York State.

The evolution of the Self-Advocacy movement has been dynamic. Today, self-advocacy has expanded beyond the notion of solely advocating for one's self, to also advocating at the level of the Community and the entire System. Community Advocacy involves promoting the betterment of communities for people with intellectual and developmental disabilities (I/DD) and Systemic Advocacy involves promoting the improvement of the overall service delivery system for people with I/DD. Both of these additions to the Self-Advocacy movement continue to require ongoing and advanced skill building for self-advocates in order for them to effectively lead advocacy organizations and efforts.

In 2014, the DDPC hosted a presentation by a representative from the Autistic Self-Advocacy Network (ASAN) where they presented findings from their report entitled "The State of Self-Advocacy in 2013: Reflections, Barriers and Next Steps." Their presentation and report highlighted the increasing need for self-advocates who are well-informed about current policy initiatives and who have the skills required to take on leadership roles in their respective communities. Following ASAN's presentation, the DDPC membership held small group discussions that affirmed the need for improved Community and Systemic training of self-advocates in order to enhance advocacy efforts statewide.

The DDPC also held a summit for self-advocates in New York State in March 2015. At the summit, self-advocates and DDPC staff discussed the prospect of developing a Community and Systemic Advocacy training program for self-advocates across the state. Participants of the summit supported the idea of holding a training and identified key administrative and topical areas where there was a need for enhanced education. The key Administrative areas included Communication, Marketing, Finance and Technology. Employment was selected as the topical area with the most significant interest and therefore will be the first key subject area to be considered at the Self-Advocacy Leadership Academy (see Approach section for more information about administrative and topical areas).

The ASAN report and presentation, feedback from our Council membership and input from self-advocates at the summit all made clear that there is a need and desire for an educational and training

program for self-advocates across New York State to build and develop sophisticated leadership skills. The aim of this DDPC initiative is to fund the establishment of a Self-Advocacy Leadership Academy to provide the opportunity for self-advocates to participate in a training program that will enhance their leadership capacity.

Approach:

The DDPC will select one grantee to develop a Self-Advocacy Leadership Academy. The grantee will design an educational program to train self-advocates to advocate at the community and systemic level. The DDPC is looking for an applicant (or a collaborative network) with experience in the development and delivery of leadership training and an understanding of the administrative and topical areas that support and advance advocacy and leadership for people with intellectual or developmental disabilities (I/DD). Applicants will have established connections to public officials at the local, state and federal levels to assist in the program and facilitate the placement of individuals in advocacy positions during and after participation in the Leadership Academy.

The project will develop a training framework and leadership infrastructure to promote people with I/DD in advocacy and leadership. The training infrastructure will be informed by nationally recognized leadership and self-advocacy training models. Research shows that successful advocacy training models like Partners in Policymaking and the Kentucky Youth Advocacy Project (KYAP) tend to embed interactive learning methods into the training program.¹ For example, periodic face-to-face training modules, independent and supported study and project work, as well as action learning² and team-based exercises allow participants to both learn and actively practice newly acquired skills.³ The program will include (but not be limited to) trainings focused on building individual skills in the following administrative areas:

- Communication Skills: Effective public speaking, drafting communication messages and materials, facilitating a successful meeting, working with the media and engaging in civic participation (e.g. letter writing, contacting and visiting policymakers, volunteering, political actions).

- Marketing Skills: Identifying and expanding audiences, targeting groups and networks beyond well-established contacts, conducting outreach to racially and ethnically diverse communities, using social media successfully and sustaining group efforts over time.

- Financial Skills: Fundraising, effective grant writing, creating a budget, how to find funding sources (e.g. government, foundations, non-profits, etc.) and fiscal compliance with state/federal or grant-specified regulations.

- Technology: Developing and building skills around the use of technology, using technology to leverage advocacy efforts and exploring technological options for marketing, communication, finance, etc.

Aside from training on the above administrative areas, each cohort class will be assigned a specific topic area. The topic areas will be developed each year by a Project Advisory Group and approved by the DDPC. For the first year, the topic area will be Employment. The employment-themed trainings will include, but not be limited to, the following areas: the Workforce Innovation and Opportunity Act (WIOA), Employment First, sheltered and community-based employment, State Department of Labor (DOL) One Stop Centers, Regional Economic Development Councils, Access-VR and the New York Employment Services System. Self-advocates should gain both an

understanding of the topical area as well as training on how to influence legislation and local policy on the topic area.

The selected applicant will support opportunities for graduates to provide leadership training to other self-advocates by empowering a minimum of 30 graduates (out of the total 45) to conduct and replicate Leadership Academy trainings in their local area at least 5 regions in New York State) following a train-the-trainer model. All graduates will also have the opportunity to be connected to future advocacy and leadership opportunities by establishing an Emerging Leaders Network (Network). The Network, in collaboration with the DDPC, will help to identify organizations or locations where trained self-advocates can conduct advocacy-based trainings and place participants in advocacy positions in order to ensure that graduates are able to put newly acquired leadership skills into practice. The grantee will establish an infrastructure for the Network to serve as a resource and connection hub between the grantee and past and future graduates. Through the Network graduates will be able to engage with and participate in advocacy opportunities, information and resource sharing as well as receiving ongoing technical support from the grantee.

Finally, the selected grantee will be expected to develop evaluation measures and a sustainability plan. The evaluation measures should track graduates in order to measure long-term and systemic outcomes of participation in the Leadership Academy. For example, through pre-and post-test measures graduates should be able to show demonstrated change and improvement in the use of skills in systems level advocacy. Grantees should establish 6-month and annual follow-up to track long-term engagement and impact from the initial academy training. Evaluation measures should be designed to track improvement and retention in advocacy leadership positions and other systems changes that result from the leadership training. Examples include but are not limited to: an improved knowledge of the topical area and ability to serve in a leadership capacity after graduating from the Leadership Academy. The selected grantee will also develop a sustainability plan which will outline how the Self-Advocacy Leadership Academy will be continued, both financially and administratively, after the end of the 3-year DDPC grant.

The selected grantee will be expected to:

A. Develop a curriculum, timeline and plan for the roll-out of the Self-Advocacy Leadership Academy;

B. Establish a Project Advisory Group in the first year to provide recommendations and input for the subsequent 2 years, including selection of the annual topical area;

C. Pilot, deliver, and embed a statewide training program for a total of 45 Self-Advocates over three years and build infrastructure for an Emerging Leaders Network and future advocacy opportunities;

D. Assist Graduates to conduct advocacy-based trainings in at least 5 regions in New York State; and

E. Evaluate the implementation, impact and future sustainability of the Self-Advocacy Leadership Academy.

The full RFP can be downloaded from http://www.ddpc.ny.gov/ddpc_funding_support. All interested applicants are required to submit a one page letter of intent by 3:00 pm June 22, 2016 to James.Huben@ddpc.ny.gov. Letters of intent are required for applications to be accepted for this RFP see full RFP for letter of intent required format.

It is the applicant's responsibility to check the DDPC website periodically for any amendments to the RFP. All changes will be posted by July 8, 2016 at http://www.ddpc.ny.gov/ddpc_funding_support. No other notifications will be given.

All final grant applications should be sent to the address listed above and to the attention of Sheila Carey, Executive Director, and must be delivered to the DDPC office by 3:00 pm on July 22, 2016. No applications will be accepted after this deadline.

² Action learning is an approach to working with and developing people that uses work on an actual project or problem as the way to learn.

³ Tracy Duberman et al. "Learning by Doing." *Physician Leadership Journal*. Sept/Oct 2015: 34-37; and Alex Adams et al. "A Novel Education and Training Program to Enhance Student Advocacy." *American Journal of Pharmaceutical Education*. 79 (7), 2015.

¹ Jane O'Regan Kleinert et al. "'I Can' and 'I Did' -- Self-Advocacy for Young Students with Developmental Disabilities. *Teaching Exceptional Children*. Nov/Dec 2010 (43.2): p16-26; and TJ Zirpoli et al. "Partners in Policymaking: Empowering People." *Research and Practice*. 1989.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation on Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the Woodmere Fire District, County of Nassau.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to: Bryant D. Stevens, State Fire Administrator, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2, Albany, NY 12226

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

For further information, please contact: FPS Mackenzie Jewell, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2, Albany, NY 12226, (518) 474-6746, Mackenzie.Jewell@dhses.ny.gov

PUBLIC NOTICE Department of Health

On June 26, 2015, the Center for Medicare and Medicaid Services (CMS) released an Informational Bulletin providing guidance on supportive housing services that could be provided under Medicaid. The New York State Department of Health (NYSDOH) is seeking approval from CMS for reimbursement of the services outlined in that memo, under the State 1115 waiver. These supportive housing services include; housing transition services, tenancy sustaining services, and state-level housing-related collaborative activities to generate housing options for Medicaid users that need housing as an intervention to their healthcare. Eligible clients are served under the Medicaid Redesign Team Supportive Housing or other State agency supportive housing program. Participants must be transitioning out of an institutional setting; homeless/ unstably housed; on Medicaid, and over the age of 18 with one or more chronic illnesses.

Additional information concerning the Supportive Housing amendment request can be obtained by writing to: Department of Health, Office of Health Insurance Programs, Corning Tower (OCP Suite 720), Waiver Management Unit, Albany, NY 12237 or by email: 1115waivers@health.ny.gov

Written comments concerning the amendment will be accepted at the above address for a period of thirty (30) days from the date of this notice.

PUBLIC NOTICE Livingston County

The County of Livingston, NY is soliciting proposals from qualified Administrative Service Agencies and/or Financial Organizations relating to trust service, administration and/or funding of an "eligible" IRC Section 457 deferred compensation plan under the New York Rules and Regulations and the Model Plan and an IRC Section 401(a) matching deferred compensation plan.

A copy of the proposal questionnaire may be obtained from: Lisa M. Grosse, Office of the Livingston County Administrator, Livingston County Government Center, Six Court St., Rm. 302, Geneseo, NY 14454, lgrosse@co.livingston.ny.us, (585) 243-7040

All proposals must be received no later than August 8, 2016, 60 days from the date of publication in the New York State Register.

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2014-0453 Matter of Montalbano Condon & Frank, c/o Paul W. Valentin, Jr, ESQ, 67 No. Main Street, PO Box 1070, New City, NY

10956 for a variance concerning building and fire safety requirements, including swimming pool barriers.

Involved is an existing building, located at 290 Sickleton Road, Town of Orangetown, County of Rockland, State of New York.

2016-0169 Matter of T.Y. Lin International, Wm Scott Copp, 255 East Avenue, Rochester, NY 14604 for a variance concerning safety requirements, including a required sprinkler system in a building located at German Brothers Industrial Park on North Street, Town of Canandaigua, County of Ontario, State of New York.